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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record (partial)* of the 308th meeting**
Held at the Palais des Nations, Geneva, on Monday, 27 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Bosnia and Herzegovina

* No summary record was prepared for the rest of the meeting.
** No summary record was issued for the 307th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Bosnia and Herzegovina (CRPD/C/BIH/1; CRPD/C/BIH/Q/1)

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*

2. **Ms. Duderija** (Bosnia and Herzegovina), introducing her country's initial report (CRPD/C/BIH/1), said that the Government had ratified the Convention and the Optional Protocol in 2010 and had since been working to implement those instruments. The report had been prepared by the Ministry for Human Rights and Refugees in cooperation with non-governmental organizations (NGOs) and representatives of the Council of Persons with Disabilities of Bosnia and Herzegovina. As part of the drafting process, a questionnaire had been sent to all relevant institutions and the draft report had been drawn up on the basis of the responses and statistical information provided and the comments received in consultations.

3. Both the report and the replies to the list of issues submitted in March 2017 described the progress that the State had made in relation to the rights of persons with disabilities, including the adoption of new strategies by its two constituent entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. The Prohibition of Discrimination Act had been amended and harmonized with European standards, while the Free Legal Assistance Act had been adopted at the national level and had begun to be implemented. The Republika Srpska had passed a new law on social protection, while the Federation was still working towards that goal.

4. The Ministry for Human Rights and Refugees and the Ministry of Civil Affairs provided support for the Council of Persons with Disabilities, which worked for the rights of persons with disabilities, the harmonization of legislation and the consistent implementation of the Convention. In 2016, the Ministry for Human Rights and Refugees had allocated 40,000 marka to support organizations of persons with disabilities and it planned to maintain that funding in the coming years.

5. The Republika Srpska supported various activities carried out by organizations of persons with disabilities and social welfare institutions, while, in the Federation, the Ministry of Health contributed to the capacity-building of associations of users of mental health services and the Ministry of Labour and Social Policy financed the work of 15 registered alliances of organizations of persons with disabilities. The Federal Ministry of Education and Science implemented several programmes to eliminate discrimination and prejudice against persons with disabilities and to promote peer support.

6. Data had been provided on the number of persons with disabilities in Bosnia and Herzegovina, which could be used to study the socioeconomic and demographic characteristics of that population and to develop strategic planning and policymaking. The war of the 1990s had left many people disabled, with consequences for family members that meant that much of the country's population was affected. However, all levels of government were committed to improving the position of persons with disabilities and to ensuring their inclusion in all spheres of life.

7. **Mr. Lovászy** (Country Rapporteur) said that he regretted that the Committee had not received the replies to the list of issues by the official deadline, although he welcomed the contribution by the organizations of persons with disabilities, which had done excellent work with very limited resources. Nevertheless, he believed that the State party was sincere in its commitment to human rights, which it had demonstrated by ratifying several United Nations treaties, including the Optional Protocol. He also recognized that the unique constitutional arrangements of the State party presented some difficulties in terms of coordination, although that did not exempt it from its responsibilities under international law and in respect of the implementation of the Convention.

8. He believed that there were two priorities for legislation in the near future: firstly, the involvement of as many organizations of persons with disabilities as possible in

improving the implementation of the Convention, and, secondly, the adoption of specific measures or incentives that would contribute effectively to inclusive education, to an adequate minimum social security scheme and to comprehensive data collection.

Articles 1-10

9. **Mr. Kabue** said that he was gratified to learn that the Council of Persons with Disabilities included members with disabilities; he would be grateful for an explanation of how those persons were appointed. He also wished to learn what steps the State party had taken to facilitate awareness-raising activities by civil society organizations, since it had acknowledged that responsibility for such efforts mainly rested with those organizations. The State party had also reported that physical barriers to access continued to exist, so it would be helpful if the delegation could update the Committee on efforts undertaken to eliminate those barriers since the submission of the report.

10. **Mr. Basharu** said that the delegation should describe the measures taken, if any, to unify the legal definitions of disability in Bosnia and Herzegovina on the basis of a human rights approach. He also wished to know how the State party ensured the full participation of women with disabilities in society, including by consulting them and their representative organizations on issues affecting them, and what measures had been taken to combat multiple and intersectional discrimination against women and girls with disabilities. The delegation should say whether children with disabilities participated on an equal footing in the Council for Children of Bosnia and Herzegovina and whether mechanisms were in place to ensure that their voices were heard and their contributions given full weight. More details should be provided of measures to raise awareness about disability and the potential of persons with disabilities, particularly as concerned the role of the media in creating a positive image of persons with disabilities and in combating stereotypes and myths.

11. **Mr. Tatić** said that he was interested in how citizens with disabilities whose rights had been violated usually sought redress in the courts. Did they invoke the Convention or was it more common for them to invoke national legislation? The Committee would be grateful for clarification of how anti-discrimination laws were implemented in practice and for updated figures on complaints of disability-based discrimination submitted to courts at various levels. It would also be helpful to know the number of complaints made to the Office of the Human Rights Ombudsman, and their outcomes, including any sanctions imposed on individuals and entities found to have discriminated against persons with disabilities or to have disregarded the Ombudsman's recommendations.

12. He wondered whether dedicated telephone hotlines were available for women and girls with disabilities who had been exposed to violence and whether they could be used by deaf women and girls. The delegation should also indicate whether safe houses for women and girls were accessible for whee'chair users and whether specialized training was provided to the counsellors of women and girls with disabilities, including intellectual disabilities, who had been exposed to violence.

13. The delegation should clarify how accessibility standards were enforced and whether sanctions were imposed for non-compliance. Considering the importance of universal design for an inclusive society, it would be useful to know whether universities included it in the training of future architects, engineers and designers and, if so, whether the training was optional or compulsory. Lastly, updated information should be provided concerning the removal of physical barriers for wheelchair users and the accessibility of public transport and the built environment in Banja Luka, Sarajevo and Tuzla.

14. **Mr. Chaker** said that he wished to know whether any gender equality policies or actions were planned for women and girls with disabilities and what measures the State was taking to ensure consultation with their respective organizations. He would welcome a comment on reports that some families did not consider the education of women and girls with disabilities to be a good investment and information on the number of such women who had not completed their secondary education or whose rights had been violated through the denial of education, particularly among minority ethnic groups in certain areas. It was also important that the Government should work to eliminate the distinction between war veterans with disabilities and other persons with disabilities.

15. **Mr. You** Liang said that he was curious to know whether organizations of persons with disabilities had been able to participate in the entire process of drafting the report and, if not, to what extent they had been involved. He asked how the Government ensured that the national strategy was implemented to the same standard at the local level and how it prevented private companies from violating the rights of persons with disabilities.

16. **Mr. Martin** said that he would welcome information on publicity and media campaigns to raise public awareness about the rights of persons with disabilities and on how many people such campaigns had reached. He also wished to know whether awareness-raising initiatives were aligned with the Convention and how many parliamentarians and government officials had been trained in the Convention.

17. **Mr. Rukhledev** said that the State party should be aware of the need to fully implement article 4 of the Convention. He wished to know what status sign language enjoyed in Bosnia and Herzegovina, whether there was a State programme to train sign language interpreters and how many such interpreters there were in the country. It would also be interesting to know how much public assistance there was to enable persons with disabilities to gain access to the Internet.

18. **Mr. Parra Dussan** asked whether persons who had acquired a disability during the Bosnian War were treated differently from other persons with disabilities. In addition, he would welcome a comment on the State party's approach to non-discrimination, including as it related to combat veterans with disabilities and others. Were there penalties for discrimination?

19. **Mr. Ishikawa** asked whether there were guidelines or legislation on providing accessible public information on television through closed captioning, sign language, audio description or other means.

20. **Mr. Babu** said that he wished to know whether the State party had an independent body to monitor the incorporation of the Convention into the domestic legal order. He asked to what extent the State party helped organizations of persons with disabilities build capacity and how many such organizations were registered with the authorities.

21. **Mr. Kim** Hyung Shik said that he would appreciate an indication of the extent to which the State party was prioritizing disability issues. He wondered whether the Government had a strategy for dealing with the economic challenges that it faced and bringing its legislation into line with the Convention.

22. The delegation should clarify what was meant by the exceptions, referred to in paragraph 33 of the State party's report, to the principle of equal treatment. In addition, it would be interesting to know whether any mechanisms had been put in place to ensure enforcement of the Prohibition of Discrimination Act. Information on the measures that had been taken to involve organizations of persons with disabilities in the preparation of the State party's report and the development of strategies to implement the Convention would be welcome, as would an indication of the amount of public funds received by such organizations. In connection with article 1, he asked what plans the State party had made to adopt a definition of disability in line with that of the Convention and a human rights-based approach to disability issues.

23. **Mr. Ahaif** asked whether the 10 members of the Council of Persons with Disabilities of Bosnia and Herzegovina who represented civil society organizations were themselves persons with disabilities. He wished to know what campaigns to raise awareness of the rights of persons with disabilities had been launched and how many people they had reached. In addition, he wondered whether persons with disabilities in the State party had access to a version of the Convention in sign language. He would welcome an indication of whether public information was made accessible to persons with disabilities on television or through other means.

24. **Mr. Buntan** said that he wished to know what strategy the State party, which appeared to have an unusually complex governing structure, had developed to bring its laws, policies and practices into line with the Convention. He asked how the authorities responded to the possible grievances of persons with disabilities who were neither veterans who had acquired their disability in combat nor non-combatant victims of war, two

categories of persons with disabilities who were evidently entitled to special privileges. In addition, he asked whether measures were taken during the process of public procurement to encourage improvements in the accessibility situation throughout the country.

25. **Mr. Lovászy** asked whether representatives of persons with disabilities, in particular persons who were deaf or hard of hearing, children with disabilities and persons with psychosocial disabilities, had participated in consultations on disability-related strategies since the ratification of the Convention. He wondered how the State party ensured that organizations of persons with disabilities operated as effectively in one canton of the country as they did in another, how it protected persons with disabilities from discrimination and what remedies were available to such persons when they were victims of discrimination.

26. He would welcome information about the accessibility obligations relevant to disabilities other than physical ones and about the steps that had been taken to enforce accessibility-related legal provisions more effectively. In that connection, he wondered whether any plans had been made to create a fully barrier-free environment and whether there was a legal protocol for requesting assistive devices or the publication of written material in easy-to-read or other accessible formats.

27. **The Chair** asked whether denial of reasonable accommodation was considered discrimination on grounds of disability under the newly adopted Prohibition of Discrimination Act and whether the Act covered multiple and intersectional forms of discrimination. In addition, she wondered whether the State party had any programmes to promote the empowerment of women and girls with disabilities.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

28. **Ms. Duderija** (Bosnia and Herzegovina) said that the complex governing structure of Bosnia and Herzegovina meant that there were different levels of protection for the rights of persons with disabilities and made it difficult to harmonize laws at all levels of government. Nonetheless, the Convention had been an integral part of the legal system of Bosnia and Herzegovina since its ratification and, together with the Constitution, it formed the legal basis for the protection of the rights of persons with disabilities. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina was one of the ministries responsible for monitoring the implementation of the Convention, collecting data and coordinating the work of a large number of institutions at all levels of the State.

29. Representatives of a number of relevant institutions had been involved in the preparation of the country's initial report, as had persons with disabilities and their representative organizations, through public consultations, for example. Although sign language had not been used for those consultations, the authorities had released an advance copy of the report and called for comments on it.

30. Turning to the topic of awareness-raising, she said that the Government undertook relevant initiatives that coincided with such events as the International Day of Persons with Disabilities and Human Rights Day, both celebrated in December. The country's broadcast media helped publicize those initiatives. There was relatively little television and radio programming accessible to all persons with disabilities, although some efforts were being made in that regard.

31. Since 2016, the Ministry for Human Rights and Refugees had allocated funds to help civil society organizations launch projects related to the rights of persons with disabilities. It was hoped that similar allocations would be made in the years to come and that institutions from other levels of government would follow the Ministry's lead.

32. The Office of the Human Rights Ombudsman had an obligation to prepare special reports on persons with disabilities and on the work of the institutions where they received care and to make recommendations. A parliamentary commission reviewed and adopted those recommendations, which it forwarded to the institutions that had not acted on the Ombudsman's recommendations, but no sanctions were imposed on such institutions.

33. Under the Prohibition of Discrimination Act, persons with disabilities could bring discrimination lawsuits and, when a bill that was currently being discussed became law, an

organization would be able to initiate a lawsuit on behalf of an individual or group of individuals. Legal aid, which was available to persons with disabilities, was provided at the level of the two entities — the Republika Srpska and the Federation of Bosnia and Herzegovina — that made up the country.

34. Access to the Internet for persons with disabilities, which was not currently adequate, had not yet been regulated in Bosnia and Herzegovina. In 2016, however, on the initiative of the country's telecommunications regulator, it had been decided that all government institutions should make the contents of their websites accessible to persons with disabilities.

35. **Mr. Terko** (Bosnia and Herzegovina) said that in 2008 Bosnia and Herzegovina had gone some way towards protecting the rights of persons with disabilities by adopting a policy of taking a more harmonized approach to disability issues. The policy, which had been adopted before the country had ratified the Convention, had been a major step forward. In their efforts to develop disability-related strategies, the country's institutions had also been guided by the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

36. **Ms. Borovčanin Marić** (Bosnia and Herzegovina) said that a decision of the Ministry for Human Rights and Refugees, which was responsible for reporting on the country's efforts to implement the Convention, had paved the way for the establishment in 2011 of the Council of Persons with Disabilities of Bosnia and Herzegovina, a 20-person advisory body whose members included 10 representatives of the Government and 10 representatives of civil society. The Ministry helped the Council raise awareness of the Convention. As a result of the Council's work, which included a focus on preventing discrimination against persons with disabilities and their families, improvements had been made to disability strategies at all levels of government in Bosnia and Herzegovina. The Council had also contributed to the preparation of the country's initial report.

37. **Ms. Duderija** (Bosnia and Herzegovina) said that the Council made recommendations on priority actions to further the advancement of persons with disabilities. The recommendations were forwarded for action to authorities throughout the country.

38. **Mr. Dobraš** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that the 10 civil society members of the Council represented organizations of persons with disabilities in the Federation, the Republika Srpska and Brčko District and were appointed in keeping with a rule that different types of disability must be represented. Appointments were made by umbrella organizations representing the largest number of local associations and the largest number of persons with disabilities within the entities, the representatives having already been selected by their particular groups. The Council believed that it was important to respect the choice of those associations and on principle did not exercise any veto over the appointment of representatives. The Council's structure meant that very few organizations of persons with disabilities in Bosnia and Herzegovina had not been involved in its activities in some way.

39. **Ms. Duderija** (Bosnia and Herzegovina) said that the Council, which was currently in its second term, aimed to ensure a fair and comprehensive representation of as many persons with disabilities as possible.

40. **Ms. Palić** (Bosnia and Herzegovina), speaking with reference to the Federation of Bosnia and Herzegovina, said that, during the reporting period, the Strategy for Equalization of Opportunities for Persons with Disabilities 2011-2015 had been implemented through campaigns, promotional activities and events to mark significant dates. Governmental institutions and civil society organizations, especially organizations of persons with disabilities, had come together to present and promote the rights of persons with disabilities. The Ministry of Labour and Social Policy had supported action plans for the implementation of the Strategy in the 10 cantons of the Federation and as a result of that work had established local partnerships through which to develop a new strategy. Public campaigns had been designed to attract the widest possible public attention, using billboards to disseminate information about persons with disabilities and to promote equal rights for all. In December 2016, the Government of the Federation had adopted a new

strategy to advance the position of persons with disabilities for the period 2016-2021, which planned to raise public awareness on disability rights and to remove cultural and psychological biases. The new strategy also focused on vulnerable women and girls and children with disabilities, who suffered from multiple discrimination. Campaigns would be carried out to educate persons with disabilities about the exercise of their rights and to raise awareness among women with disabilities so that they were able to report violence and seek assistance with the protection of their rights.

41. The Federation recognized the importance of supporting organizations that worked to advance the position of women and girls with disabilities and saw them as crucial partners for future policy development. Financial support and cooperation were also provided for organizations that worked to promote and protect the rights of children with disabilities.

42. **Ms. Đuderija** (Bosnia and Herzegovina) said that safe houses were available to protect women and girls, including those with disabilities, from violence. Like other countries with economic problems, Bosnia and Herzegovina did not have the resources to ensure adequate protection, but it did have programmes to combat violence, trafficking, forced begging and other forms of economic exploitation, which were of great help to vulnerable groups and minorities such as the Roma. The Gender Action Plan had received the support of several international organizations, which also had their own, separately funded programmes for the protection of women and girls with disabilities. The State had encountered difficulties in implementing a comprehensive approach, since that required greater levels of acceptance, involvement and interest from persons with disabilities themselves. By the same token, it had also struggled to find implementing partners for programmes.

43. **Mr. Jonjić** (Bosnia and Herzegovina) said that the authorities were aware that a problem of disability-related discrimination had arisen from the fact that the scope of rights depended on whether the persons with disabilities were veterans of war, civilian victims of war or had a disability that was not war-related. In the past, they had been reluctant to confront the veterans' organizations, who remained staunchly opposed to any dialogue concerning a potential solution, but in 2014 the Ministry of Labour and Social Policy had proposed a new law on common principles and the idea that all persons with disabilities should enjoy equal rights both in scope and in terms of the financial support received. Any reductions in the financial support granted to veterans or civilian victims of war would be compensated through separate supplements based on other rights, not on the disability of the person concerned. If adopted, the draft law would oblige the Government to gradually harmonize legislation with the principles of the Convention and enable it to overcome discrimination based on the origin of the disability and to minimize disruption to the communities concerned.

44. Similarly, the only competent authority in the Federation to assess disability, the Medical Forensic Institute, had adopted a common set of rules that would subsequently be published in the Official Gazette. As those rules came into force, all persons with disabilities would be assessed under the same criteria, regardless of how they had incurred their disability. The discontinuance of the less rigorous criteria that had been used to assess the disabilities of war veterans would eliminate another form of discrimination.

45. Regarding the financing of organizations of persons with disabilities, the Federation had a real budget of approximately 1.5 billion marka, of which 750 million marka were earmarked for different projects and transfers that financed the rights of persons with disabilities. Of that figure about 600 million marka ultimately went to war veterans, with the rest distributed among civilian victims of war and persons with non-war-related disabilities. The Government recognized that the disparity was discriminatory and aimed to overcome the problem through the draft law on common principles. Fifteen alliances of organizations of persons with disabilities received annual funding, but that funding had decreased in the previous two years. To restore it to its former levels and to resolve a number of systemic problems, the Ministry of Labour and Social Policy was working with the organizations to develop regulations that would ensure equal representation and financing, which it hoped to adopt by the end of 2017.

46. The laws governing education, health and social protection each contained different definitions of disability, with resulting overlaps between cases and considerable discrepancies in the financial support provided to different groups. Moreover, in the past the authorities had followed the inefficient practice of referring all disability-related issues to the Ministry of Labour and Social Policy. The implementation of the Strategy for Equalization of Opportunities for Persons with Disabilities had led to some improvements, with several ministries taking charge of programmes to address the specific problems of persons with disabilities within their area of competence. The Government had recognized that those problems concerned society as a whole and that persons with disabilities should be able to enjoy access to services on an equal footing.

47. **Mr. Kličković** (Bosnia and Herzegovina), speaking with reference to the Republika Srpska, said that the Social Protection Act had been amended to bring the definition of disability into line with that set forth in the Convention. The Ministry of Health and Social Policy planned to incorporate that definition into other laws, not only in the sphere of social welfare but also in areas such as pensions and employment. The Ministry had also coordinated with non-governmental organizations (NGOs) in the preparation of the Strategy for Improvement of the Position of Persons with Disabilities for the period 2016-2026 and had submitted it to the National Assembly of the Republika Srpska.

48. Concerning the financial challenges faced by organizations of persons with disabilities, the authorities had granted public interest status to some that were funded from the State budget.

49. The causes of disability were currently the subject of disagreement between organizations of persons with war-related and non-war-related disabilities, respectively. The issue would be re-examined and addressed during the implementation of the new Strategy and campaigns would be mounted to raise awareness of the need to equalize disability rights, regardless of how and when disabilities had been incurred.

50. The Strategy also aimed to safeguard the rights of women, girls and children by such means as the provision of accommodation in safe houses and telephone hotlines for the reporting of violations.

51. **Ms. Bešlija** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that both the Federation and the Republika Srpska had harmonized their legislation on physical accessibility with European standards. However, the Council of Persons with Disabilities did not consider that adequate progress had yet been made in that regard. It was still not possible to move around urban centres or to gain access to institutions or facilities without assistance. Public transport was adapted to the needs of persons with disabilities only in larger towns and to a limited extent; the general situation was unsatisfactory. The State was, however, tackling the issue and it was likely that, with more effective inspections and cooperation with the entities and cantons, better results would be achieved in the future.

52. The Use of Sign Language Act had been amended and there had been an increase in the use of sign language in television programming. Sign language interpreters were available. The telecommunications regulator was working to improve access to the Internet and other information and communications technologies for people with visual impairments and reasonable progress had been made in that regard.

53. The Republic Srpska was better equipped than the Federation to train students in the application of accessibility standards in buildings and other facilities, in that it had a school of architecture that taught the subject, while, in the Federation, such training was available only at the postgraduate level. Through its activities and communications, the Council was aware that students were interested in the subject and was encouraging undergraduate institutions to introduce the training.

54. **Mr. Jonjić** (Bosnia and Herzegovina) said that the Office of the Human Rights Ombudsman was an effective institution. It had issued recommendations in three cases concerning violations of the rights of persons with disabilities. Two of the cases had been resolved, and efforts would be made to resolve the third, which concerned the living conditions of persons with disabilities in institutions, by arranging for care in the community for the persons concerned.

55. **Ms. Palić** (Bosnia and Herzegovina) said that, to ensure that strategies were implemented at lower levels, the Ministry of Labour and Social Policy provided funds for the implementation by the Federation's cantonal governments of the Strategy for Equalization of Opportunities for Persons with Disabilities in the Federation of Bosnia and Herzegovina and the development of other action plans. Organizations of persons with disabilities had had ample opportunity to recommend the areas that relevant action plans should focus on. Those organizations were thus key partners to the Ministry, the national Government and the cantonal governments.

56. Provision had been made for the establishment of an office to coordinate the efforts made at various levels of government to ensure equal opportunities for persons with disabilities. Although the office was not yet operational, a team composed of representatives of a number of ministries and organizations of persons with disabilities had been created. In the past, all disability matters had fallen within the purview of the Ministry of Labour and Social Policy, but other ministries and government agencies had since begun to deal with such matters, too.

57. **Ms. Đuderija** (Bosnia and Herzegovina) said that the Ministry for Human Rights and Refugees was developing an information system to improve monitoring of the implementation of the Convention. There were no official guidelines on the provision of televised information through sign language, closed captioning or other alternative methods of communication.

Articles 11-20

58. **Mr. Alsaif** said that he would welcome information about the scope of reasonable and procedural accommodations during civil judicial procedures, including notary-assisted services. It would be interesting to know whether the accommodations were made throughout the country and, if not, why not. Information on the number and outcome of cases involving violations of article 17 would also be welcome.

59. **Mr. Chaker** asked whether the State party had done anything to ensure that a recurrence of catastrophic flooding, such as that which occurred in 2014, would not disproportionately affect persons with disabilities.

60. **Mr. Pyanaendee** asked whether the State party's policy of offering services and support to persons with disabilities in accordance with the cause of the disability — wounding in combat, for example — had ever been challenged in the courts and, if so, what the outcome had been. In addition, he wanted to know how persons with disabilities gained access to the justice system when they wished to contest decisions to commit them to institutions and whether they had access to any legal aid for that purpose. Lastly, he asked whether members of the judiciary, prosecutors and other judicial officials received training in the principles enshrined in the Convention.

61. **Mr. Kabue** said that the delegation should elaborate on the State party's procedures for the evacuation of persons with disabilities in situations of risk. It would be interesting to know, for example, how exactly the authorities determined which persons with disabilities should be the beneficiaries of the selective evacuations referred to in paragraph 70 of the State party's report.

62. He wished to know how the State party reconciled its ratification of the Convention with the domestic laws that, in breach of the Convention, allowed the courts to deprive persons with disabilities of legal capacity. In that connection, he wondered whether any steps had been taken to bring legal practice in the country into line with the Convention. With regard to access to justice, he would welcome examples of cases in which persons with disabilities whose rights had been violated had received legal aid from the network of organizations mentioned in paragraph 84 of the State party's report and what form that aid had taken.

63. **Mr. Martin**, noting that self-advocacy was important for persons with intellectual disabilities, asked whether such persons were represented on the Council of Persons with Disabilities. He wondered when and how the State party intended to put article 12 into action, including by removing guardianship laws and making supported decision-making a

reality. In that connection, he wished to know how long a person could remain under guardianship and be considered legally incapacitated.

64. He would welcome information on the current state of deinstitutionalization efforts. He wished to know, for example, how many people had left institutions for the community since 2014, how long it would take to ensure that all persons with disabilities had the right to live in the community, as provided for in article 19, and what exactly was meant by the reference in paragraph 102 of the State party's report to reforms moving towards deinstitutionalization and the transformation of existing institutions.

65. **Mr. Tatić** asked whether the premises of the Office of the Human Rights Ombudsman in Banja Luka and Sarajevo had been made accessible to wheelchair users since his visit to those two cities years earlier. Information on the accessibility of the courts would also be welcome.

66. He wondered how many certified sign language interpreters provided interpretation services for deaf persons involved in criminal, civil and administrative proceedings. Information on the number of judicial and other cases in which such interpretation services were provided would be especially welcome.

67. Regarding articles 19 and 20, he wished to know what specific services were available to persons with disabilities who needed assistance 24 hours a day, whether such persons were given facilities to hire personal assistants and whether resources — from lottery funds, for example — were allocated to ensure that persons with disabilities had the assistive devices that they needed. Were the persons who bought such devices reimbursed, in full or in part, for their purchases?

68. **Mr. Kim** Hyung Shik said that it would be interesting to learn about any specific changes that had been made to the State party's prisons to accommodate prisoners with disabilities. He asked how many persons with disabilities currently lived in institutions in Bosnia and Herzegovina and what strategies the Government had developed to move away from institutionalization. In connection with support for living independently, he wished to know how far budgets for personal assistants stretched. In other words, for how many hours a day, on average, could assistants help persons with disabilities?

69. **Mr. Ruškus** said that he would welcome further information on residential institutions for persons with disabilities in the State party. That information should include the number and type of such institutions and statistical data, broken down by age, sex and type of disability, on the institutionalized population. Information on the measures taken by the authorities to protect persons with disabilities living in institutions from all forms of exploitation and abuse, including gender-based violence, should also be provided.

70. He asked whether additional opportunities to live independently and be included in the community were being given to persons with disabilities and how their preferences were taken into account when they were offered such opportunities. It would also be interesting to know whether organizations of persons with disabilities participated in the deinstitutionalization process by, for example, providing community-based services.

71. **Mr. Basharu** asked what measures had been taken to facilitate the acquisition of mobility aids and assistive devices for persons with disabilities, especially blind persons and persons with visual impairments, and whether they were entitled to import assistive devices or mobility aids for their personal use free of duty.

72. **Mr. You** Liang asked whether the State party had any plans to repeal legal provisions contrary to the Convention, reduce the number of persons subjected to total deprivation of legal capacity and move towards a system of supported decision-making. He would welcome an indication of the measures that had been taken to prevent the exploitation and abuse of persons with disabilities, in particular women and children and persons living in institutions. Lastly, he wished to know in what circumstances it was legally possible to subject persons with disabilities to medical procedures without their consent.

73. **Mr. Parra Dussan** asked what steps were taken to ensure that persons with disabilities, in particular visual or hearing impairments, had access to justice. It would be

interesting to know whether there were any guidelines or protocols on the use of sign language or Braille in the justice system. It would also be interesting to know whether, in view of the wars of the 1990s, Bosnia and Herzegovina had had any experience with transitional justice and, if so, whether persons with disabilities had been involved in the process.

74. **Mr. Buntan** said that he would appreciate an answer to his earlier question about whether the public procurement process was used to improve accessibility in the country. In connection with the organizations that partnered with the cantonal governments, he wondered whether a distinction was made between organizations in which most decisions were made by persons with disabilities and those that were simply providers of services to persons with disabilities.

75. Turning to article 11, he wondered whether the State party had developed a comprehensive plan for disaster risk reduction that was compatible with the Sendai Framework for Disaster Risk Reduction. In addition, he wished to know what measures had been taken to ensure that the emergency telephone line was accessible to deaf and deaf-blind persons. Regarding article 13, he asked whether persons with disabilities were allowed to work as lawyers, judges, prosecutors and the like. Lastly, he asked whether refugees with disabilities living in Bosnia and Herzegovina were entitled to support services on an equal basis with the State party's nationals.

76. **Mr. Lovászy** said that he wished to know whether the State party had telephone hotlines accessible to persons with disabilities and whether health-care institutions had taken measures to meet the needs of such persons, in particular in emergencies. He would welcome a full explanation of what deprivation of legal capacity involved, an indication of the number of people in the State party who had been deprived of such capacity and a comment on whether the State party considered depriving a person with a disability of his or her legal capacity not to be a breach of the Convention. Did a single medical opinion really suffice to deprive a person of his or her legal capacity?

77. He said that it would be interesting to know who bore the cost of any accessibility services that persons with disabilities were provided with to enable them to avail themselves of free legal aid. It would also be interesting to know whether persons with disabilities could be subjected to coercive measures during psychological or medical assessments undertaken to determine whether they should be charged with a crime. Lastly, he wished to know whether the laws on independent living by persons with disabilities were interpreted arbitrarily by local officials and whether there was a national budget to help persons with disabilities live independently.

The discussion covered in the summary record ended at 5.55 p.m.

United Nations CRPD/C/SR.309

Convention on the Rights of Persons with Disabilities

Distr.: General
10 April 2017

Original: English

Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 309th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 28 March 2017, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Bosnia and Herzegovina (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Bosnia and Herzegovina (*continued*) (CRPD/C/BIH/1; CRPD/C/BIH/Q/1)

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*

Articles 1-20

2. **Ms. Đuđerija** (Bosnia and Herzegovina), responding to questions from Committee members about access to justice for persons with disabilities, said that no architectural barriers existed in the majority of judicial institutions.

3. Interpretation services were made available to all individuals appearing before the courts, including persons with disabilities. Although sign language interpreters were available, as well as interpreters for persons with visual impairments, a separate register of court-certified sign language interpreters did not exist.

4. On certain specified days, full access was available to the ground floor of the Office of the Human Rights Ombudsman in Banja Luka. When the current lease expired, it was hoped that the Office would be transferred to a more accessible building.

5. **Ms. Stevanović** (Bosnia and Herzegovina) said that, under the Constitution, all persons enjoyed full equality before the law, including persons with mental impairments. In order to ensure that such persons were capable of taking decisions on their own, however, it was obligatory for them to undergo an assessment by a neuropsychiatrist. Their legal competence could then, in their own interests, be limited or removed by the courts in accordance with recommendations made by specialists and the views expressed by interim guardians and court-certified experts. When such a decision was taken, the courts informed the relevant social protection centre, which issued a certificate to that effect. By way of example, legal competence had been removed in 11 out of 12 cases that had come before the courts in Brčko District in 2016. Persons whose legal competence was removed remained with their families, who acted as their main care providers.

6. **Mr. Jonjić** (Bosnia and Herzegovina), responding to a question concerning the institutionalization of persons with mental impairments, said that social protection institutions set up by the previous Government had been maintained by the staff who lived and worked in them, but their legal status had been uncertain until, in 2009, the Government had adopted a law on the right of ownership of such institutions. Moreover, some social protection institutions were managed by the cantons. Three such institutions currently housed 1,200 persons with different forms of mental impairment, all of whom were in the process of being deinstitutionalized in accordance with a strategy adopted by the Government in 2014. One of the three institutions had, with help from international donors, already transferred some of its residents to assisted housing in the community. Furthermore, the Union of Organizations for the Support of Persons with Intellectual Disabilities (SUMERO) had established an institution that cared for persons with mental impairments in the community. Some 22 such persons had been placed in houses or flats with facilities that enabled them to live independently.

7. In 2009, one particular institution had been given a highly negative assessment by the Ombudsman of the time. Since then, the Government had invested 3.5 million marka — about €1.7 million — in rebuilding the institution. As a result, living conditions in the institution in question had significantly improved. The process of deinstitutionalization of persons with mental impairments was developing rapidly.

8. Separate facilities had been established for prisoners with mental impairments, in line with a recommendation to that effect by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. **Ms. Pašić** (Bosnia and Herzegovina), responding to a question on organizations with members with disabilities, said that the law facilitated the process of establishing and registering a non-governmental organization (NGO). Consequently, hundreds of organizations existed that had members with disabilities. The law provided for the establishment of organizations of persons with disabilities, which worked to improve the lives of such persons in conjunction with the Ministry of Labour and Social Policy, and 15 such organizations were publicly funded. Such organizations were consulted on public policy and strategies. The Government ensured that organizations responsible for finding solutions to the problems faced by persons with disabilities included such persons among their members. Organizations whose members were persons with disabilities and organizations that worked to support such persons, such as SUMERO and the organization of persons with Down syndrome, some members of which had children with Down syndrome, were given equal treatment.

10. **Mr. Dubrał** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that the Council had members with all types of disabilities. Two current members had mental impairments. Responding to the question on the involvement of persons who were not members of the Council in its work, he said that meetings of the Council were held in various regions and were attended by representatives of the main organizations in the region concerned. Five or six such meetings had taken place in different regions over the past year. The Council was given professional and technical support by the Ministry of Human Rights and Refugees and the Ministry of Civil Affairs. NGOs and civil society organizations also contributed to its work.

11. The procurement of medical aids, including orthopaedic aids, for persons with disabilities was governed by the Public Procurement Act. The Council of Persons with Disabilities had launched an initiative to ensure that the best interests of persons with disabilities in general were taken into account under the Act.

12. **Ms. Bešlija** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that the manner in which orthopaedic aids were allocated was unsatisfactory. The Health Insurance Act was implemented at the level of entities and cantons in the Federation of Bosnia and Herzegovina, complicating an already complex area. Orthopaedic aids were provided through the public procurement system in the Republika Srpska, whereas, in the Federation, each canton issued its own rule book on the procurement of such aids. Some cantons complied with the law on public procurement, while others did not. Owing to the fact that different cantons operated under different rules, therefore, the provision and availability of orthopaedic aids varied from canton to canton. The current system was discriminatory in that, in some cantons, the availability or otherwise of orthopaedic aids depended on the cause of the disability concerned. For example, some cantons applied additional rules on the provision of orthopaedic aids to persons with war-related disabilities. It was necessary to harmonize regulations on public procurement across the Federation so that minimum standards could be established.

13. The mobility of blind persons in cities was hindered by a lack of facilities and poor physical access. The provision of aids for blind persons and deaf persons was also unsatisfactory.

14. **Ms. Stevanović** (Bosnia and Herzegovina), recalling that Brčko District had faced a natural disaster in 2014, said that disaster situations fell within the purview of the Ministry of Security in the Federation of Bosnia and Herzegovina and of the Civil Defence in Brčko District. The protection of property during natural disasters was governed by a law requiring institutions to prepare strategies for protection against such events and prioritizing the protection of vulnerable groups, including persons with disabilities. The social services also prepared action plans for natural disasters and issued guidelines concerning the work to be carried out following a natural disaster.

15. **Ms. Đuderija** (Bosnia and Herzegovina), responding to questions relating to health care, said that, under the existing legislation, medical interventions could not take place without the consent of the patient or, in the case of a minor, his or her parents or guardians.

16. According to the report of the Office of the Human Rights Ombudsman, most institutions had established protocols, bodies and mechanisms to protect women and

children from exploitation in institutions and to address any form of violence that occurred. Under rules and procedures that applied to all institutions and formed part of primary and secondary legislation, it was obligatory for all such cases to be reported to the police and the prosecutor's office. While the Office of the Human Rights Ombudsman was responsible for monitoring the implementation of such rules, independent organizations could also notify the police of any incidents of violence of which they became aware.

17. With regard to the allocation of assistance to displaced persons and refugees, including the provision of housing, priority was given to families that included persons with disabilities. Assistance with entering the labour market depended on the resources available locally and the requirements of the local market.

18. **Mr. Jonjić** (Bosnia and Herzegovina) said that legislation at the level of the State provided that deaf persons had the right to request an interpreter for court proceedings and other purposes. As all nine court-certified, sign language interpreters were based either in Mostar or Sarajevo, persons outside those cities found it difficult to obtain access to an interpreter. In recent years, lottery funds had been used to support training programmes run by certified interpreters in the use of sign language. In 2016, the maximum permitted sum of €15,000 had been allocated to such programmes and some 53 persons had completed one. Training seminars had been organized to teach basic communication skills to persons who were hard of hearing or those who needed to communicate with them. Such seminars were supported by lottery funds and managed by the Association of Deaf and Hard-of-Hearing Citizens.

19. **Mr. Babu** said that, while the State party reported a relatively low prevalence of HIV/AIDS, in the Committee's experience certain population groups were often not included in HIV/AIDS interventions. With that in mind, he wished to know whether Bosnia and Herzegovina had a national HIV/AIDS strategy and, if so, whether measures to tackle the disease were targeted at persons with disabilities. He would also welcome data regarding any sexual and reproductive health and education services that were available to persons with disabilities, in particular to blind persons and deaf persons.

20. **Mr. Kabue** said that he would like to know what action the State party had taken since the submission of its initial report to improve the training of teaching assistants with a view to strengthening inclusive education at both primary and secondary level. He wondered whether all persons with disabilities in the State party were covered by health insurance and, if not, what provision was made to ensure that uninsured persons had access to health care. Lastly, he wondered why the social benefits available to persons with disabilities in the State party differed depending on whether they were categorized as war veterans with disabilities, civilian war victims with disabilities and non-war-related persons with disabilities. The differential treatment had the effect that persons who had disabilities that were not war-related received so little in the way of social protection that they were living in poverty, which was not in line with the Convention.

21. **Mr. Rukhledev** said that he wished to know what specific support was provided by the State party to develop and promote sports involving persons with disabilities; encourage persons with disabilities, including children with disabilities, to take part in sporting activities; and ensure that sports facilities were fully accessible. He would also welcome information on what measures the State party was taking to ensure that cultural sites were fully accessible and to enable persons with disabilities to realize their creative potential.

22. **Mr. Lovászy** (Country Rapporteur) said, with reference to article 21 of the Convention, on freedom of expression and opinion, and access to information, that he wished to know to what extent public broadcasters and private media outlets provided information in accessible formats; what incentives and sanctions were at the State party's disposal to improve the accessibility of information, including any draft legislation; and whether any teletext channels were available for deaf and hard-of-hearing persons. He would also welcome information regarding the successes that had so far been achieved through the 2015-2018 action plan for children and the options that were available to families of children with disabilities to prevent their children from being institutionalized.

23. Turning to education, he said that he would like to know what budgetary and other measures had been introduced to ensure inclusive education at all levels of schooling, in

line with the Committee's general comment No. 4 on the right to inclusive education; what concrete results had been obtained following completion of the Strategic Directions in the Development of Education initiative for the period 2008 to 2014; how many teaching assistants in total were available in the cantons of the Federation of Bosnia and Herzegovina; and how many children with disabilities had received support from teaching assistants in inclusive settings. He also wished to know whether there was a link between access to quality preschool education and the purchasing power of parents and whether there was a system in place to subsidize the cost of assistive technologies for marginalized families.

24. The delegation should provide information on the number of persons with disabilities who were employed, unemployed or deemed inactive and on access to support and reasonable accommodation in the workplace. In that connection, he asked how many public sector employers had failed to meet their obligations to employ persons with disabilities.

25. He wished to know how the State party intended to improve the collection of data on disabilities and how, in the absence of an agreed definition of persons with disabilities in Bosnia and Herzegovina, it envisaged being able to collect relevant, harmonized and disaggregated data in the future.

26. **The Chair** asked what the situation was regarding persons with disabilities who were under legal guardianship. Did they have the right to marry, for example?

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

27. **Ms. Duderija** (Bosnia and Herzegovina) said that, while some progress had been made to increase the accessibility of media information, there remained a lack of television programming adjusted to the needs of persons with disabilities. Moreover, only certain privately owned television stations currently had provision for subtitled programming. Although television stations were beginning to comply with recommendations to provide subtitled programming rather than just having teletext channels, very few broadcasts had sign language interpretation and foreign-language content was not translated. Regarding public information, sign language interpreters were available only in the justice system and Braille was used only very rarely. In a similar vein, most websites were not yet accessible for persons with disabilities. Steps were, however, now being taken to ensure that public administration websites were kept updated to ensure that they were accessible.

28. **Ms. Bešlija** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that, under electoral law, persons with disabilities could make a request for an assistant to help them in registering for, and taking part in, voting procedures. Mobile teams were also available to help persons with disabilities in that regard. The Central Electoral Commission did not, however, have the requisite data regarding blind voters to enable it to produce voting cards and other documentation in Braille format, to train polling officers to count Braille ballots or to ensure that the necessary reasonable accommodations were in place at specific polling stations. Televised election campaigns and information were broadcast with sign language interpretation. Lastly, since the electoral roll did not contain the names of persons who had been deprived of legal capacity, they could be restored to the register at a later date.

29. **Ms. Borovčanin Marić** (Bosnia and Herzegovina) said that the Office of the Human Rights Ombudsman monitored the implementation of all international instruments ratified by Bosnia and Herzegovina, including the Convention. The Office also investigated individual complaints received from members of the public, including persons with disabilities, and could launch actions of its own motion against discriminatory information in the media or online. It also produced annual reports, which invariably included issues related to persons with disabilities, and had on one occasion issued a special report regarding the accessibility of public buildings.

30. The Ministry of Human Rights and Refugees also received complaints from persons with disabilities, often in relation to access to the built infrastructure. Although no complaint of discrimination had as yet been upheld with regard to the distinction between war veterans with disabilities and other persons with disabilities, it was clear that persons

with disabilities were not fully aware of their rights. There was a proposal that organizations of persons with disabilities should take the lead on that front by informing persons with disabilities of their rights under the Convention and of the functions of the Office of the Human Rights Ombudsman.

31. **Mr. Kličković** (Bosnia and Herzegovina) said that, in Republika Srpska, a two-pronged approach had been taken to promoting the employment of persons with disabilities in the open labour market: namely, the establishment of the Professional Rehabilitation and Employment of Persons with Disabilities Fund of the Republika Srpska, which, among other activities, provided funding and incentives for employers; and the introduction of financial penalties for public sector employers who did not meet the quota of one person with disabilities for every 16 employees. Despite those measures, progress had not met expectations, largely owing to the difficult economic situation. As matters stood, just 1 in 120 public employees was a person with disabilities, although the data for 2016 were not yet available. The Republika Srpska Government had also started offering incentives to private enterprises with a view to fostering wider employment of persons with disabilities, and that seemed to be having some effect. Priority now needed to be given to developing and promoting professional rehabilitation services.

32. Around 2,000 persons with disabilities were registered as actively looking for employment in 2016. Unemployed persons with disabilities who were unable to work could receive financial support from organizations of persons with disabilities. Lastly, equal pay for equal work was enshrined in employment law and no persons with disabilities could be paid less than the general minimum wage.

33. **Mr. Jonjić** (Bosnia and Herzegovina) said that, in the Federation of Bosnia and Herzegovina, a range of employment-related laws were in force to uphold the rights of persons with disabilities in the labour market, eliminate discriminatory practices, establish public sector employment quotas and provide for professional rehabilitation. Public sector employers, including government ministries, that failed to meet the quota for employing persons with disabilities received a financial penalty in the form of a 25 per cent increase in some of the contributions that they paid. Although persons with disabilities had priority in public sector employment, it seemed that the concept of equal treatment had been misinterpreted by some recruiters and thus had not always been implemented correctly. A number of prosecutions were under way in connection with such failure to comply with the law.

34. In addition to employment on the open labour market and in the public sector, persons with disabilities could work in one of 50 specialized enterprises set up for that purpose. The activities of the Professional Rehabilitation and Employment of Persons with Disabilities Fund in the Federation of Bosnia and Herzegovina included ensuring that employment levels were maintained in specialized enterprises and launching vocational training programmes. During the period 2011 to 2016, the Fund had invested almost 20 million marka in training persons with disabilities and offering incentives to prospective employers. To date, around 1,500 persons with disabilities had gained employment in the open labour market and in specialized enterprises as a result. The ultimate goal was to employ more persons with disabilities in the open labour market rather than in specialized enterprises. Although better controls needed to be introduced, the fact that persons with disabilities were invoking their rights in court was helping to raise greater awareness among the general public of their right to equal treatment in the workplace.

35. There were 200,000 registered persons with disabilities in the Federation, but only 6,500 were registered with the job agency as actively seeking employment. While persons with disabilities did not lose their disability benefits, which left them free to seek meaningful employment, the fact that war veterans with disabilities received such high social benefits might be deterring them from looking for work. Another reason for the low unemployment rate of persons with disabilities was the prevalence of informal employment. The Government was continuing with its efforts to reduce informal labour and encourage persons with disabilities to register with the agency and seek work in the open labour market.

36. While the reasons underlying the different definitions of persons with disabilities in Bosnia and Herzegovina were historical, the effect had been clear discrimination. Significant action had been taken over the past two years, however, and the Federation was committed to doing all it could to eliminate differential treatment of persons with disabilities. In future, disability benefits would not be awarded on the basis of whether or not a person with disabilities had or had not been injured during the war. Instead, such persons would be assessed on an equal basis and would receive equal compensation in the form of disability payments. It was possible that war veterans would be entitled to an additional benefit to recognize their sacrifice.

37. **Mr. Kličković** (Bosnia and Herzegovina) said that, apart from health-care insurance, there were no benefits specifically for persons with disabilities in the Republika Srpska. Persons with disabilities had the same unemployment entitlements as non-disabled persons. Those allowances were based on the length of service and salary earned in their previous employment. All other employment rights were the same as in the Federation of Bosnia and Herzegovina. While measures had yet to be taken with regard to the distinction between war-related and non-war-related disabilities, plans to tackle inequality and improve the situation of persons with disabilities were in the pipeline for the period 2017 to 2026.

38. **Ms. Palić** (Bosnia and Herzegovina) said that families of persons with disabilities received only a low level of support in the Federation of Bosnia and Herzegovina. Society had not been fully able to create opportunities for persons with disabilities in all aspects of life. In an effort to bridge that gap, a bill introducing a minimum level of social protection for families of persons with disabilities had been submitted to the Parliamentary Assembly but had not been adopted. As matters stood, only a few cantons paid higher child benefits to families that had children with disabilities.

39. Regarding culture and sport, little progress had been made since the submission of the report to promote the participation of persons with disabilities in sporting activities or to ensure that sports facilities were accessible. The strategy to advance the position of persons with disabilities in the Federation of Bosnia and Herzegovina for the period 2016 to 2021 included measures to remove barriers to the physical infrastructure and to provide information technology support to persons with sensory impairments in all educational, cultural and sporting venues. Moreover, there were plans to ensure that cultural events were adapted to include persons with disabilities and to secure the financial resources necessary to make cultural and sporting venues accessible to persons with disabilities.

40. **Mr. Terko** (Bosnia and Herzegovina) said that a law had recently been enacted in Bosnia and Herzegovina with a view to placing children in need of State care with foster families rather than in institutions so that they could be raised in a more natural, family environment. It was recognized that Bosnia and Herzegovina was one of the few countries in which institutionalization was common, but the ultimate goal, through that law and other measures, was to eliminate the use of institutions entirely. A committee had been set up to undertake research and make recommendations to that end.

41. The Policy for Improvement of Early Growth and Development of Children had been adopted in 2012 by both the Federation of Bosnia and Herzegovina and the Republika Srpska with a view to providing early detection and intervention services for children of preschool age, preparing children for primary and secondary education and providing support for parents. Assessment centres had been opened throughout the various municipalities to provide those services. Although some centres had subsequently closed down, hundreds of children had been assessed. However, only around 9 per cent of children in Bosnia and Herzegovina attended preschool and the proportion of children with disabilities within that 9 per cent was low.

42. Training for teaching assistants was not fully developed and the number of teaching assistants in schools had not reached expectations.

43. **Ms. Đuderija** (Bosnia and Herzegovina) said that measures to improve the situation of persons with disabilities in Bosnia and Herzegovina would continue, with the Committee's recommendations and forthcoming concluding observations forming the basis for renewed action to uphold the rights of all persons with disabilities. The country undoubtedly faced many challenges, but it was committed to making progress by working

with persons with disabilities and their representative organizations as well as with Committee members and the country's public institutions.

44. **Mr. Lovászy**, commending the delegation for what had been a constructive dialogue, said that the information outstanding should be provided in writing as soon as possible, since it would be helpful to the Committee in formulating its concluding observations. He expressed the hope that the Committee's recommendations would be studied closely in collaboration with organizations of persons with disabilities at both national and local levels and that they would be published and made widely available in the State party.

The meeting rose at 1 p.m.

United Nations CRPD/C/SR.310

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 310th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 28 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Jordan

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Jordan (CRPD/C/JOR/1; CRPD/C/JOR/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **Prince** Mired Ra'ad Zeid **Al Hussain** (Jordan), introducing his country's initial report (CRPD/C/JOR/1), said that Jordan, motivated by its aspiration to be in the vanguard of ratifying States, had published the Convention in its Official Gazette in 2008, thereby incorporating it into domestic legislation. That action reflected the country's political will and its determination to promote the rights of persons with disabilities and to achieve the desired transformation from a model of disability based on care and charity to a rights-based approach. Jordan had taken a further pioneering step in the region when it introduced into the 2011 Constitution a new provision requiring the State to promote the rights of persons with disabilities.

3. Although Jordan was facing a major crisis due to the inflow of refugees from conflicts in the region, it was taking vigorous action to protect the rights of persons with disabilities. Their welfare was given high priority in the national agenda and among the country's decision makers. In 2012, the Government, under the able guidance of the Higher Council for Persons with Disabilities, had undertaken a comprehensive review of the country's civil, criminal, commercial, economic and media-related legislation with a view to updating and aligning it with the principles enshrined in the Convention.

4. The Chamber of Deputies had subsequently adopted a new bill on the rights of persons with disabilities based on concepts, definitions and terminology that were in harmony with the world's most advanced legislation pertaining to the Convention. In the bill, disability was defined as a situation in which physical, behavioural and individual factors created barriers for persons with disabilities that prevented them from exercising their fundamental rights and freedoms on an equal basis with others. It was the first time that Middle Eastern legislation had contained a definition of disability that guaranteed protection against discrimination and the right to reasonable accommodation and accessibility.

5. Since submitting the initial report in 2012, the Government, in partnership with organizations of persons with disabilities and civil society organizations, had taken steps to develop institutional policies and practices that were in conformity, to the greatest extent possible, with its obligations under the Convention. Perhaps one of its greatest achievements, alongside those already mentioned, had been the inclusion of provisions in certain laws, regulations and directives that guaranteed access for persons with disabilities to a variety of basic services on an equal basis with others.

6. With a view to enabling persons with disabilities to exercise their legal capacity in the banking sector, in accordance with article 12 of the Convention, the Central Bank of Jordan, in cooperation with the Higher Council for Persons with Disabilities, had, for the first time in the history of Jordan and the Middle East, issued instructions in October 2016 according persons with disabilities access to banking and credit services on a fully independent and private basis. They were merely required to provide their signature without any need for certification by another party. In addition, various types of reasonable accommodation were provided to allow persons with disabilities to use banking services without assistance. Under the instructions, banks must render their buildings and facilities accessible for persons with disabilities.

7. The new bill on the rights of persons with disabilities also promoted the legal capacity of persons with disabilities through an advanced definition of free and informed consent, which entitled them to take decisions independently and without the need for advice from any source. Jordan had been one of the first countries in the world to enact a law based on the model of graduated support for decision-making. In a further unprecedented step, the bill required the legislative and executive authorities to consult

persons with disabilities and their representative organizations whenever the Personal Status Act was amended, particularly the provisions concerning legal capacity.

8. Major progress had also been made in consolidating the system for protecting persons with disabilities against all forms of violence. The Government, in partnership with the persons concerned, had drafted a bill amending the Criminal Code. In particular, Jordan had set a precedent by recognizing disability as an aggravating circumstance for offences involving physical, psychological or sexual injury. The bill on the rights of persons with disabilities also included a flexible and comprehensive definition of violence, pursuant to which the violation of any right or freedom on grounds of disability was recognized as a form of violence that was liable to prosecution. The bill also provided for psychological, physical and social rehabilitation programmes for persons with disabilities who were victims of violence in order to facilitate their reintegration into society.

9. The Government was aware of the complexity of the sheltered accommodation system and its adverse impact on persons with disabilities. Notwithstanding the country's limited capacities and lack of financial and technical resources, it had been decided, at the highest level of decision-making, to dismantle shelters under a comprehensive national plan that provided for practical alternatives aimed at reintegrating those living there into their families and local communities. The authorities expected to begin implementing the plan in 2018 and to eliminate all sheltered accommodation by 2028.

10. Despite its achievements to date, Jordan still faced many challenges that could impede or slow down its progress in certain areas. One of the main challenges was the shortage of technical and financial resources and of the know-how required to expedite qualitative advances in vital areas such as inclusive education, which met with a stereotypical form of social resistance requiring vigorous efforts to raise awareness and to change attitudes and behaviour so that children with disabilities could have access to public education on an equal basis with other children. The requirements for achieving accessibility and reasonable accommodation in education, especially basic education, constituted a further challenge that called for cooperation and solidarity between Jordan and its international partners in laying the foundations for inclusive education.

11. The inadequate material environment in Jordan was yet another challenge, which should be tackled by promoting compliance with relevant legislation and establishing effective monitoring mechanisms. Achievement of an acceptable level of accessibility to public facilities and key services required more vigorous joint action at the national level as well as strong international support for capacity-building. Jordan was fully aware of the adverse impact of inadequate accessibility on the capacity of persons with disabilities to exercise their rights and freedoms on an equal basis with others. Top priority would therefore be given to that issue in the future.

12. **Mr. Tatić** (Country Rapporteur) said that the State party was to be commended for explicitly prohibiting disability-based discrimination in its Constitution and legislation.

13. He noted with satisfaction that the Jordanian Fatwa Directorate had issued a fatwa prohibiting forced sterilization on grounds of disability, especially of women and girls with disabilities and persons with intellectual or psychosocial disabilities. It was to be hoped that that initiative would bring about cultural change in Jordanian society and elsewhere in the region.

14. He welcomed the adoption of the bill on the rights of persons with disabilities by the Chamber of Deputies and hoped that it would soon be enacted. He trusted that the definitions in the bill were in line with the Convention and that older legislation, which was based on a medical rather than a rights-based approach and even contained pejorative terms, would be amended.

15. It was important to have effective legal remedies in cases where the law on disability-based discrimination was breached. For example, women and girls with disabilities were faced with multiple intersectoral discrimination.

16. Children with disabilities should remain with their families and be fully included in society. The Committee noted with concern that, in some shelters, children were subjected to ill-treatment, including violence and psychological abuse. It was relieved to hear that

investigations were under way. It commended the plan to move from specialized segregated education for children with disabilities to inclusive quality education.

17. While the inclusion of accessibility standards in the National Building Code was welcome, it was regrettable that the Code was not fully implemented in practice. Information about measures to promote stricter monitoring and about the penalties imposed for non-compliance with accessibility standards, in both the public and private sectors, would be appreciated.

18. The State party's legislation still provided for a guardianship system. He hoped that it would soon be aligned with the provisions of the Convention. The Electoral Act too should be amended to guarantee all citizens the right to vote and be elected; persons under guardianship were currently denied that right.

19. He would like to hear about progress in ensuring electronic access to information for blind persons, in accordance with the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He also wished to know when Jordanian Sign Language would be officially recognized in the State party.

20. He welcomed the plans to provide support in local communities for persons with disabilities and to afford protection from ill-treatment, violence, torture and abuse. The State party's provision of shelter and safety to refugees was commendable. He wondered, however, whether all services were accessible for persons with disabilities.

21. Lastly, he noted with satisfaction that the State party had volunteered to have its implementation of the Sustainable Development Goals reviewed. How did it intend to make the Goals inclusive and accessible for persons with disabilities?

Articles 1-10

22. **Mr. Ishikawa** asked what measures the State party took to ensure that organizations of persons with disabilities could perform their advisory and monitoring tasks under the Convention more effectively. He would appreciate information, for example, about training courses for civil servants, especially those working at key coordinating organizations, to enable them to provide effective assistance to public sector organizations, organizations of persons with disabilities and other stakeholders.

23. **Mr. You** Liang asked how the State party linked its implementation of the Convention with the Sustainable Development Goals. He requested more detailed information concerning the content of identity cards for persons with disabilities and the manner in which they would be issued and used. He asked whether there were any plans to include rights-based material on persons with disabilities in the curricula of mainstream education. He enquired about efforts to raise awareness of the Convention among deaf persons and the availability of a sign language version. Lastly, he asked whether deaf plaintiffs had full access to the courts and whether they could use their own sign language interpreters in judicial proceedings.

24. **Mr. Basharu** asked whether the State party intended to ratify the Optional Protocol to the Convention. He enquired whether women with disabilities could transmit their citizenship to their children, whether they were entitled to equal pay for work of equal value and whether the committee established to defend their rights was effective, particularly in preventing violence and abuse and promoting their full inclusion in the education system.. He also wished to know how the National Childhood Strategy ensured the full and effective participation of children with disabilities and their representative organizations in matters affecting them and how it protected them from all forms of ill-treatment.

25. According to the report, the living conditions of persons with disabilities posed a challenge to awareness-raising efforts. He wondered whether the media were involved in awareness-raising and whether they had been successful in promoting positive changes in attitudes. He would also like to know whether persons with disabilities and their representative organizations took part in awareness-raising campaigns.

26. **Mr. Alsaif** asked whether awareness-raising campaigns had been conducted in cooperation with religious authorities with a view to promoting a rights-based rather than a charity-based approach to persons with disabilities. With regard to accessibility, he asked whether courses on universal design formed a mandatory part of university curricula for engineers and designers. Lastly, he enquired about the sanctions imposed on entities and individuals that failed to comply with the National Building Code.

27. **Mr. Martin** asked whether persons with disabilities, including intellectual disabilities, were included as trainers in awareness-raising programmes and whether the programmes were in line with the Convention.

28. **Mr. Babu** asked whether the State party intended to draw up a new national strategy for persons with disabilities, including an action plan for implementation of the Convention. He also wished to know whether there was any campaign to promote new provisions of the Criminal Code that would generate cultural change for women and girls and protect them from violence and abuse. He asked whether the State party planned to adopt policies on behalf of children that would include disability perspectives and mainstreaming, in line with the Convention.

29. **Mr. Langvad** said that he wished to know how persons with disabilities were represented through their organizations in the Higher Council for Persons with Disabilities, and what financial and other forms of support were available for such organizations. He asked whether representative organizations of women and children with disabilities had been involved in drafting the new bill on the rights of persons with disabilities, and whether women with disabilities had contributed to the development of the National Strategy on Women in order to ensure that it included the disability perspective.

30. **Mr. Ruskus** said that he would like to hear more about the situation of children with psychosocial and intellectual disabilities who lived in rural areas. The Committee had been informed that some families concealed their children's disabilities and kept them at home on account of the social stigma associated with disability. He asked what support and inclusive community-based services were available to the families of children with psychosocial or intellectual disabilities, and what action was being taken by the State party to prevent their ill-treatment and institutionalization and to ensure that all children with disabilities enjoyed human rights and freedoms on an equal basis with others.

31. **Mr. Kim** Hyung Shik asked how effective the Higher Council for Persons with Disabilities had been in achieving its ambitious goals. He also wished to know to what extent persons with disabilities had been involved in drafting the National Strategy for Persons with Disabilities, 2007-2015, what resources the State party had allocated for its implementation and whether it had been successfully implemented.

32. **Mr. Parra Dussan**, noting that disability-based discrimination was prohibited, asked what procedures were in place for reporting such discrimination and whether any relevant statistics were available. He also wished to know whether the State party planned to enact legislation guaranteeing gender equality and, if so, whether it would include a reference to women with disabilities.

33. **Mr. Buntan** said that the State party's legislation was not yet in line with the Convention, notwithstanding the prohibition of disability-based discrimination in the Constitution. Were there any plans to amend provisions such as those that treated persons with disabilities as minors with limited capacity and article 467 of the Criminal Code, which referred to "insane" persons, who were equated with animals? He would also be interested to know whether the State party had used the public procurement budget to enhance accessibility throughout the country.

34. **Mr. Rukhlenko** said that he wished to underscore the importance of ensuring access to information for persons with sensory impairments and of training experts to provide such services. All persons with disabilities should be guaranteed access to education and to information and communication technology. He asked whether the State party intended to officially recognize sign language in the new bill on the rights of persons with disabilities, whether training courses would be provided for sign language interpreters and what the current availability of sign language interpretation services was.

35. **Mr. Chaker** asked whether the State party collected statistical data on the number of children with disabilities, disaggregated by type of disability. He also wished to know whether it was still common practice in Jordan, as it was in the majority of Muslim countries, for members of the same family, including first cousins, to marry and, if so, whether any efforts had been made to raise their awareness of the risk of their children being born with a disability and to discourage such marriages.

36. **Mr. Tatić** asked what measures the State party had taken to raise awareness and increase understanding of the concept of reasonable accommodation for persons with disabilities in the public and private sectors and whether persons with disabilities themselves had been involved in that endeavour. It would also be useful to know the outcome of the complaints lodged with the Higher Council for Persons with Disabilities and the National Centre for Human Rights by persons with disabilities who had been unable to secure reasonable accommodation. Lastly, he asked whether airports, public transport vehicles, hotels and government buildings in Jordan were accessible to persons with a physical disability, particularly wheelchair users.

37. **Mr. Pranvokadee** said that he would appreciate more information on the laws repealed, the policies and practices abolished and the new legislative measures adopted or to be adopted for the purpose of ensuring compliance with articles 5, 6 and 10 of the Convention on equality and non-discrimination, women with disabilities and the right to life, respectively.

38. **Mr. Kabue** said that he would welcome an update on the progress made towards establishing the Equal Opportunities Committee as the body competent to receive complaints of disability-based discrimination, including complaints related to denial of or failure to provide reasonable accommodation, in accordance with the new bill on the rights of persons with disabilities. He would also like to hear about the impact of the "My Place Is among You" campaign to raise awareness of the need for inclusive education since its launch. Lastly, he wished to know when the State party intended to ratify the Marrakesh Treaty.

39. **The Chair** said that the Committee considered the continued application of the death penalty to be a cause for grave concern in view of the large number of persons with disabilities being held in Jordanian prisons. She asked whether the State party was taking steps towards the abolition of capital punishment.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

40. **Prince** Mired Ra'ad Zeid **Al Hussein** (Jordan) said it was hoped that the new bill on the rights of persons with disabilities, which was progressive in nature and enjoyed broad support, would be enacted in the near future. The bill addressed a number of the serious challenges facing persons with disabilities in Jordan in the fields of education and employment, as well as the broader issues of accessibility and the provision of reasonable accommodation.

41. **Mr. Alassaf** (Jordan) said that the delegation considered a number of the issues raised by Committee members to have no explicit link to the Convention and to fall within the scope of other international human rights instruments. He would nevertheless endeavour to address them. In a progressive move towards abolition, the list of crimes for which the death penalty could be imposed had been shortened. Furthermore, there were a number of restrictions on the imposition of capital punishment. Even when the death penalty was handed down by the courts, it could often be commuted to a custodial sentence. The decision to impose it was generally subject to judicial review, and a pardon could still be granted at that stage. While it was possible that the death penalty had been imposed on persons with disabilities in the past, he was not aware of any case in which it had actually been carried out. Jordan did not currently intend to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

42. In keeping with article 18 of the Convention, in Jordan there was no law that deprived persons with disabilities of their nationality on the basis of disability. While he recognized that the inability of Jordanian women to transmit their nationality to their

children could also affect women with disabilities, he considered that issue to fall primarily within the scope of the Convention on the Elimination of All Forms of Discrimination against Women and not within that of the Convention on the Rights of Persons with Disabilities. He hoped that the relevant law might be amended in the future.

61. The fact that Jordan had signed the Marrakesh Treaty was proof enough of its willingness to give effect to its provisions. It was his understanding that the Convention simply obliged States parties to guarantee persons with disabilities access to information on an equal footing with others; that did not imply an obligation for Jordan to ratify the Marrakesh Treaty. Moreover, Jordanian law effectively addressed the obligation set out in article 9 of the Convention and was arguably as broad in scope as the Marrakesh Treaty insofar as it required all scientific and legal texts to be made available in accessible formats such as Braille or simplified text.

64. The Government acknowledged that the existing definition of disability was based on the medical model of disability and needed to be modified. The new bill on the rights of persons with disabilities contained a revised definition, inspired by the Convention, and referred to the need to identify and remove barriers to accessibility and restrictions on the exercise by persons with disabilities of their rights, as well as to the obligation to make reasonable accommodation for them. The bill exceeded the requirements of article 5 of the Convention in terms of guaranteeing the principle of equality and non-discrimination in the enjoyment by persons with disabilities of their rights and even covered temporary disability.

65. The Act on the Rights of Persons with Disabilities of 2007 stipulated that denial of reasonable accommodation to persons with disabilities amounted to discrimination and violated their rights. The new bill, which prohibited all forms of direct and indirect discrimination against those persons, included an analogous provision and would assist the public authorities in implementing the Convention. The difficulties experienced in providing persons with disabilities with reasonable accommodation could be attributed to a weak legal culture, a dearth of technical capacity and a general lack of awareness of how to request reasonable accommodation. Denial of reasonable accommodation constituted a criminal offence, and the courts were required to enforce the applicable laws if a complaint to that effect was upheld. At the same time, mediation and arbitration were the Government's preferred methods of dispute resolution. The new Equal Opportunities Committee would be the first of its kind in the region and would mediate between the complainant and the defendant with the aim of resolving complaints and disputes over denial of or failure to provide reasonable accommodation, inter alia. Although it usually fell to courts to rule on what constituted reasonable accommodation, the slowness of the Jordanian justice system could hold up proceedings. The Equal Opportunities Committee would expedite such proceedings for the benefit of all groups that were vulnerable to discrimination, including persons with disabilities.

66. **Mr. Farawneh** (Jordan) said that the Government intended to introduce an inclusive framework for the protection of persons with disabilities that included a national plan to support the enforcement of all fundamental rights and, in particular, the rights of the most vulnerable segments of society. In addition, the Government, in cooperation with civil society, was in the process of setting up a special committee to investigate and resolve any complaints transmitted to it by the National Centre for Human Rights, including complaints related to existing laws, practices and policies, and to follow up on any recommendations made in that connection.

67. The Office of the Prime Minister had issued instructions to the different State institutions on the procedure for appointing public servants. In 2014, 111 women with disabilities had been appointed, compared to only 55 men. In 2015, the overall number of appointments had fallen on account of government spending cuts. In 2016, 102 women with disabilities had been appointed and 54 men. The positive trend witnessed in the employment of persons with disabilities was attributable, in part, to the effective application of special measures targeting that group. While the Government recognized that a number of shortcomings persisted in certain areas, it remained confident that the aforementioned national plan, which would remain subject to modification, would help to address them going forward.

48. **Mr. Alazzeh** (Jordan) said that the number of complaints alleging denial of reasonable accommodation received by the National Centre for Human Rights over the previous two years had not exceeded 15 on account of the high level of awareness among State and private sector institutions of the need to provide it, on the one hand, and the reluctance of persons with disabilities to lodge complaints, on the other. There was a clear need for the Government to step up its efforts to educate persons with disabilities about their right to request reasonable accommodation. The Ministry of Education had developed a budget model to ensure that adequate funding was earmarked for providing reasonable accommodation in the education system and for making the adjustments necessary to guarantee the accessibility of the built environment to persons with disabilities.

49. **Mr. Maaitah** (Jordan) said that, in Jordan, children with disabilities were educated free of charge and that all schools were equipped to welcome them. The Ministry of Education had issued regulations obliging schools to provide children with disabilities with the tools necessary to allow them to follow mainstream classes. Accordingly, children with disabilities were provided with assistive devices, such as hearing aids and wheelchairs, as well as accessible learning materials in the case of children with visual impairments. Children with disabilities attending mainstream schools were also provided with government-funded transport. Some 30 mainstream schools currently taught children with disabilities, who were assigned a classroom assistant to accompany them, support their learning and ensure their equal participation in lessons.

50. **Mr. Alazzeh** (Jordan) said that much work remained to be done in respect of education for children with disabilities, which was considered a priority. In particular, there was a need to promote understanding of integration and inclusion as two separate concepts, each with its own policy. The Ministry of Education wished to provide comprehensive education for children with disabilities, and efforts were being made to ensure that weaknesses in that area did not have repercussions for future generations.

51. Making sign language an official language in the country would be a complex legal exercise entailing the amendment of the Constitution. At the outset, it would be necessary to define what was meant by an official language. If it was made clear, however, that the intention was to recognize sign language as a useful means of facilitating communication with persons with disabilities, for example, then it might be possible to open a discussion on the subject. Several stakeholders taught sign language and endeavoured to promote its use, particularly in the service industry and tourism sector.

52. **Ms. Alhares** (Jordan) said that the Government was cognizant of the challenges it faced when it came to sign language interpretation and was taking a range of measures to tackle them. A specialized training programme was not yet in place, but it was recognized that, in order to obtain a diploma, prospective interpreters should undergo approximately 150 hours of training and that they should then work a certain number of hours to gain the necessary experience before being accredited by the relevant entities. The input of sign language interpreters had been sought in designing plans in that regard.

53. An initiative had been launched to enhance the safety of persons with hearing impairments, which included the organization of a workshop for police officers to raise awareness of the difficulties faced by those persons. A 24-hour hotline had been set up to help persons with hearing impairments with daily activities, such as getting directions, and some pharmacies employed sign language interpreters. Mobile telephone companies offered a range of services for persons with hearing impairments. The possibility of opening another hotline to enable them to contact public services was being considered.

54. **Mr. Alazzeh** (Jordan) said the Government was fully aware that women with disabilities faced double and perhaps even triple discrimination if they were in a vulnerable situation, which was why legislation was in place to protect their rights. Nonetheless, the need to strengthen such legislation, and ensure implementation, was recognized. For that reason, disability of the victim had been added as an aggravating factor for the offences of physical and sexual violence and sexual harassment in the amendments proposed to the Criminal Code in 2016. Measures had been taken to improve the participation of women with disabilities in health programmes and that category of women had also been taken into account in gender equality programmes.

55. **Ms. Haj-Yasin** (Jordan) said that there had been a number of successes in promoting the rights of women with disabilities, who had been involved in developing the National Strategy for Persons with Disabilities, 2007-2015. For example, the Higher Council for Persons with Disabilities and the National Commission for Women had engaged in the three-year campaign calling for the criminalization of forced sterilization, addressing the issue from several perspectives, including medical and religious. Both Muslim and Christian groups had spoken out against the practice, which was the subject of a fatwa.

56. **Mr. Zabet** (Jordan) said that the country's development objectives were fully in line with the Sustainable Development Goals, which had been broadly endorsed by the King and all national stakeholders. The Jordan Document 2025, which laid out the State party's priorities for the period 2016-2025, clearly stipulated that the Sustainable Development Goals must be incorporated into the country's national development plan. The Government was taking steps to achieve the Goals and had adopted guidelines on the oversight of those efforts by the Ministry of Planning and International Cooperation. In addition, it had established a technical committee to draft plans, with detailed targets, and present them to the highest authorities for approval. Several projects had been submitted for 2016, 2017 and 2018. A recent report had highlighted the importance of taking into account the needs of persons with disabilities in development activities.

57. **Mr. Alazzeh** (Jordan) said that a draft amendment to article 467 of the Criminal Code, removing the offending language, had been submitted to the parliament for approval. It was hoped that the amendment would be adopted by 2018.

58. The Government had taken strong measures to put an end to violence against persons with disabilities in residential institutions, including making structural changes to the institutions in order to reduce the possibility of a recurrence. The legal capacity of persons with disabilities was recognized by law, although that was not yet the case for persons with psychosocial disabilities. A great deal of work remained to be done in that area, notably to find an alternative to guardianship. The definition of guardianship must be flexible and placement under guardianship should require the consent of the person concerned.

59. Migratory flows were obviously a serious issue for Jordan, resulting in a huge population increase in a very short period of time. Refugees in Jordan were in areas designated as emergency zones, which was why there were no clear data on the number of refugees with disabilities. A national emergency response plan had been launched to deal with Syrian refugees, and the Government provided special services to refugees with disabilities.

Articles 11-20

60. **Mr. Ruskus** said the Committee was concerned that, under the State party's Public Health Act, a competent physician could order the admission of any person to hospital and the Minister of Health had the right to detain any person and send him or her to hospital on the basis of a medical report. Civil society reports revealed cases of individuals being held in mental health centres for more than 20 years, without any family visits. Noting that such legislation and practice was contrary to article 14 of the Convention, he asked whether there were any plans to repeal provisions that authorized deprivation of liberty for any reason related to an actual or perceived psychosocial disability as well as the administration of treatment, services or any other intervention without the free and informed consent of the person concerned.

61. **Mr. Langvad** said that he would like to receive information on any plans to release persons deprived of their liberty on the basis of a psychosocial disability, including on the time frame and budget for the provision of inclusive, non-compulsory services for such persons in the local community. He also wished to know whether the State party had any specific strategy for the deinstitutionalization of persons with disabilities.

62. **Mr. Kabue**, noting that the Civil Defence Department had delivered training to its personnel on sign language and etiquette for dealing with persons with disabilities in cases of emergency, asked whether such measures were provided for by law, and whether that

Department was the only one dealing with situations of risk or whether a more comprehensive approach was adopted. He enquired whether there were any plans to remove from existing legislation derogatory language such as the term "of unsound mind", which hindered the recognition of the legal capacity of persons with disabilities. What arrangements were in place to ensure the provision of legal assistance and representation to persons with disabilities whose rights had been violated?

63. **Mr. Martin**, stressing the importance of self-advocacy for persons with intellectual disabilities, said that he wished to know whether and how persons with intellectual disabilities were represented on the Higher Council for Persons with Disabilities. He would welcome further information on the steps being taken to raise awareness of and implement the provisions of article 12 of the Convention, taking into account the Committee's general comment No. 1 (2014). Lastly, statistics on the number of institutions for persons with disabilities and the number of persons living in them would be appreciated, as would details about the measures being adopted to implement article 19 so that all persons with disabilities could live in the community with the appropriate services and choose where, how and with whom they lived.

64. **Mr. Kim** Hyung Shik said that he would like to know more about the participation of persons with psychosocial disabilities in public and political life, and to what extent they were allowed to exercise their right to vote without support from a guardian. The delegation should comment on reports that persons with disabilities were subjected to exploitation, violence and abuse. While official data were lacking in that area, their vulnerability certainly exposed them to the risk of such treatment. He would also appreciate the delegation's views on claims that persons with disabilities were not being heard by the authorities and that that situation was attributable not only to insensitivity on the part of officials but also to corruption. While the State party was to be commended on its huge intake of refugees, he wondered how refugees with disabilities were identified and how support services were provided to them.

65. **Mr. You** Liang asked whether there were any plans to set up a system to enable persons with disabilities to obtain affordable, high-quality mobility aids and technical devices, for example through medical insurance, rather than them being provided on an ad hoc basis. He also wished to know how the State party encouraged or incentivized innovation in the field of assistive technology.

66. **Mr. Chaker** asked whether any steps were being taken to abolish the custom of firing shots during wedding celebrations, which in some cases resulted in injuries and disabilities.

67. **Mr. Basharu** said that he would welcome clarification of the statement in paragraph 120 of the State party report to the effect that the effectiveness of laws, policies and programmes designed to eliminate violence against women and children was limited because they conflicted with traditional societal attitudes that considered the management of family affairs and members to be a private matter. Were such laws, policies and programmes actually implemented and were perpetrators punished, or did traditional attitudes prevail?

68. **Mr. Buntan** asked whether the State party had developed a comprehensive plan to implement the Sendai Framework for Disaster Risk Reduction and, if so, whether it was inclusive of persons with disabilities. Had Jordan signed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action? He asked whether persons with disabilities were allowed and encouraged to pursue careers in the justice system. Lastly, he wished to know whether the State party intended to repeal article 14 of the Public Health Act so as to prohibit the involuntary institutionalization of persons with psychosocial disabilities.

69. **Mr. Pyaneandee** said that the delegation should comment on reports that persons with disabilities were subjected to torture and inhuman and cruel treatment, and specifically that women and girls in institutions were subjected to sexual violence and exploitation. If that was the case, how did the Government propose to strengthen the law and guarantee access to the justice system and effective remedies for persons with disabilities?

70. **Mr. Ishikawa** said that he would like to know what proportion of hospitalizations of persons with psychosocial disabilities was forced. What was the average length of hospitalization of those persons, voluntary or otherwise?

71. **The Chair** said that she would like to hear what measures were being taken to combat violence against women with disabilities and help victims. The delegation might wish to comment on a case, reported to the Committee, of a deaf woman who had been raped and, when the case came to trial, had been denied the services of a female sign language interpreter but instead had been assigned a male interpreter who was acquainted with the accused. She would be interested to know how the Government viewed the fact that cases of violence against women, particularly rape, were dropped if the perpetrator married the victim. Noting that a great deal of attention was paid in the State party to preventing impairment, she stressed that such measures did not actually serve to implement the Convention, which was concerned with the human rights of persons living with disabilities.

72. **Mr. Tatić** said that he would be interested to hear more concrete examples of good practice in relation to cases of ill-treatment of persons with disabilities. He would welcome clarification as to whether the 1950s law on nationality could be interpreted in such a way as to prevent persons with psychosocial disabilities from acquiring Jordanian nationality. He also wished to know how the State party ensured that, in allocating the funding it received to support its valiant efforts to deal with the refugee crisis, due account was taken of the needs of refugees with disabilities.

The meeting rose at 5.55 p.m.

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Seventeenth session

Summary record of the 311th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 29 March 2017, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Jordan (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Jordan (*continued*) (CRPD/C/JOR/1; CRPD/C/JOR/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

Articles 11-20

2. **Mr. Alazzeh** (Jordan), replying to questions asked at the previous meeting, said that Jordan had not entered a reservation to article 12 or any other provision of the Convention. The new bill on the rights of persons with disabilities would make prior and informed consent mandatory for all decisions regarding a person with a disability. Naturally, the policy would entail training professionals in the use not only of sign language but also of methods for communicating with persons with severe intellectual or psychosocial disabilities. The Central Bank of Jordan was one of the few to have issued clear instructions regarding independent access for persons with disabilities to banking and credit services, including via the Internet. Fingerprint access was available for blind persons, who had previously needed to have a witness present in order to conduct transactions.

3. It was important to bear in mind that the pejorative terms used of persons with disabilities in certain laws had been derived from Islamic jurisprudence in an era when those terms lacked their current negative connotations. A complete terminological overhaul was under way and a time frame had been set for bringing the country's laws into line with constitutional principles.

4. Article 47 of the Health Code was a common provision conferring on the Ministry of Health the authority to confine persons with psychosocial impairments if they constituted a threat to themselves or others. However, the new bill on the rights of persons with disabilities would nullify the provision and prohibit involuntary institutionalization. There were no specific data on the number of persons institutionalized against their will, but it was not a widespread practice and the country had very few psychiatric hospitals.

5. The State did not have the authority to intervene in private matters such as a person's choice of spouse. However, the Ministry of Health was raising awareness of the potential risks to the offspring of consanguineous marriages.

6. While the Nationality Code did specify that an applicant had to be legally competent in order to obtain citizenship, the provision did not specifically target persons with disabilities. The new bill dealt in detail with the legal competence of persons with disabilities, which it recognized in full. It also addressed the issue of the right of persons with psychosocial impairments to vote and stand for election.

7. Referring to reports of a case in which a deaf woman had been raped and had then been denied her choice of sign language interpreter during the subsequent legal proceedings, he said that the Higher Council for Persons with Disabilities was aware of the matter and had been in contact with the competent authorities. It should be noted, however, that the case did not involve rape as the act had not been completed and that the woman did not know sign language because she also had a partial visual impairment. As a result, she had been referred to an association that had experience of assisting deaf-blind persons. It would be inappropriate to comment further since the case was still before the courts.

8. **Ms. Alhares** (Jordan) said that the 114 emergency hotline was linked to the command centre of the Public Security Directorate, which then referred callers to the appropriate department. Deaf persons could use a video link to communicate with hotline staff. The Directorate provided its staff with training in the use of sign language and on the legal provisions pertaining to persons with disabilities. Evacuation plans were in place for persons with disabilities in the event of an emergency, and action was being taken in follow-up to the Sendai Framework for Disaster Risk Reduction.

9. The migration flow management plan 2016-2019 placed particular focus on children, women and older persons with disabilities. Some non-governmental organizations provided assistance to refugees and migrants with disabilities and had been calling on donors to ensure that services and donations also took account of those groups. Although the figures fluctuated, there were around 19,000 Syrian refugees with disabilities living in camps in Jordan, but many others lived outside the camps.

10. By law, competence in the area of housing was distributed among various authorities and ministries, which were required to make the necessary accommodations for persons with disabilities. Queen Alia International Airport was a modern airport with aircraft boarding tunnels, lifts and adapted toilet facilities. Nevertheless, better signage was needed. Although the provisions of the Convention had been incorporated into the National Building Code, most buildings were fairly old and therefore had to be retrofitted to make them accessible, which implied a considerable outlay. The country's topography and the fact that many buildings were listed also needed to be taken into account. A 10-year national plan on accessibility would come into effect once the new bill on the rights of persons with disabilities was enacted. The Government and civil society were working together to raise awareness of the issue, and the University of Jordan had made huge strides, putting it in the top 500 universities worldwide in terms of accessibility.

11. **Mr. Zabet** (Jordan) said that laws had been adopted to promote independent living and social integration, although those goals were harder to achieve for persons with certain types of disability. Capacity-building and technical support from the international community would be very helpful in that regard. Instructions would be issued in 2017 regarding customs duties on equipment for persons with disabilities. Tangible steps were being taken, including the establishment of a committee on family integration and the provision of training for parents, to facilitate the shift from the institutionalization of persons with disabilities to their integration into the family and community. Some 300 persons with disabilities would be taken out of institutions in the near future and another 200 would be placed with foster families.

12. The Government was especially attentive to the issue of violence in private institutions. The Ministry of Social Development had taken steps to protect persons with disabilities, strengthen oversight of shelters and raise awareness of the problem among families of persons with disabilities. Eighteen monitoring visits had been conducted to institutions thus far and guidance had been issued, for example on ensuring the quality of food. An independent team, including representatives of civil society, had been set up to carry out inspections and follow up on the implementation of any recommendations made in that context. Institutions found to be lacking would be sanctioned and could face closure depending on the severity of the violations. Thus far, 16 cases of violations of the rights of persons with disabilities in shelters had been investigated.

13. **Ms. Alhares** (Jordan) said that the new bill on the rights of persons with disabilities provided for the development of a comprehensive national plan to limit the number of institutions. The plan would also envisage alternatives to institutionalization, such as placement in host families, community-based rehabilitation and early intervention, and promote the development of inclusive education as a means of furthering integration. The goal was to move towards the provision of disability-related services on an outpatient basis. The five remaining institutions under the remit of the Ministry of Social Development would be upgraded.

14. **Mr. Alazzeh** (Jordan), referring to a comment that laws against domestic violence were of limited effectiveness because the issue was traditionally considered a private matter, said that the law always took precedence over custom in Jordan. However, customs could not be changed overnight. A number of practical steps had been taken to prevent domestic violence, including the establishment of a department dedicated to that cause, which also provided support to victims.

15. Regarding the allegation that corruption prevented persons with disabilities from exercising their rights, he wished to emphasize that the recycling of uncorroborated claims did not serve the purpose of the interactive dialogue. The Government of course acknowledged that there were considerable challenges in implementing the Convention, but

those challenges had chiefly to do with the country's limited financial resources, which had been further strained by the massive influx of Syrian refugees.

16. **Ms. Haj-Yasin** (Jordan) said that legal assistance, to which persons with disabilities were entitled, was provided by the Ministry of Justice and civil society organizations. The Ministry ensured that the rights of persons with disabilities were taken into account in its strategies and budget. Two training programmes on facilitating access to justice and legal assistance had been run for judges, prosecutors and officials of the justice system. The Government was expanding the protection of persons with disabilities, including women, and the Criminal Code had been amended to make disability an aggravating circumstance for offences involving sexual violence. The new bill on the rights of persons with disabilities would introduce a definition of violence that covered violations of physical integrity. The Higher Council for Persons with Disabilities was preparing a nationwide study of reproductive health with a view to closing gaps in the protection of women's reproductive health rights.

17. **Mr. Alazzeh** (Jordan) said, regarding violence against women, that the law, especially the new bill, contained a host of provisions requiring all ministries to train their staff, not only in dealing with cases of violence but also in preventing them. Detailed information on the matter was provided in the replies to the list of issues (CRPD/C/JOR/Q/1/Add.1). One of the innovations of the bill was to support persons with disabilities, particularly those with intellectual or psychosocial disabilities, in protecting themselves against and communicating about violence and sexual harassment.

18. In the field of disaster response, it was true that the main recipients of training on disability issues were members of the Civil Defence Department. However, training was provided to a number of other professionals in other contexts as well.

19. Persons with disabilities were not appointed to the judiciary because there had previously been a statutory physical fitness requirement. However, the new bill stated that persons with disabilities were physically capable and competent to take up such posts, as well as other positions in the public and private sectors. He hoped that all restrictions related to physical fitness would be removed in 2017. Persons with intellectual or psychosocial disabilities were not currently represented on the Higher Council for Persons with Disabilities, but, with the adoption by the Ministry of Health of a national mental health plan and a general shift since 2010 in how mental health issues were addressed, that shortcoming should be corrected soon. In addition, persons with psychosocial disabilities had established an association, the first of its kind in the Middle East.

20. The practice of shooting guns in the air during celebrations was on the decline, and the King himself had stated publicly that anyone who was not a member of law enforcement and who discharged a weapon would be held accountable, regardless of the motive. Statistics were not kept on the number of disabilities resulting from such incidents, but cases were isolated and in no way amounted to a trend.

21. The Higher Council's major achievements included its participation in the reporting process and the interactive dialogue with the Committee, which was testament to the leaps made since 2007. Although changing mindsets was a long-term endeavour, there was a strong political will to make the rights of persons with disabilities a national priority. The new bill had been developed through consultation with all stakeholders, including children, public servants, the private sector, academia and civil society.

22. **Mr. Magableh** (National Centre for Human Rights, Jordan), speaking via video link from Jordan, said that Jordan still had not ratified the Optional Protocol to the Convention despite having signed it in 2007 and that the budget remained inadequate to respond to the needs of persons with disabilities. Some of the National Centre's key concerns with regard to the rights of persons with disabilities were: the number of laws still to be brought into line with the Convention; the lack of accommodations made in, inter alia, courts, temporary detention centres and rehabilitation facilities, and the inability of staff in such places to cater for disability-specific needs; the low level of the allowances paid to the families of persons with disabilities; the lack of job opportunities for persons with disabilities in either the private or public sector; the inaccessibility of public and private buildings; the exposure of persons with disabilities to violence both within and outside the family, and the lack of

enforcement of protection laws; the poor quality of rehabilitation services and the shortage of specialized physiotherapy centres; the inadequate provision for early detection in some parts of the country; the inaccessibility of polling stations and electoral messaging, and the lack of representation in decision-making bodies; and the inaccessibility of education and the under-enrolment of children with disabilities.

Articles 21-33

23. **Mr. Ishikawa** asked how the State party promoted community-based inclusive development with a multisectoral approach.

24. **Mr. Ruskus**, noting that the rate of employment of persons with disabilities in the public sector was less than 1 per cent, asked what incentives were in place for public and private sector employers to recruit persons with disabilities and provide them with reasonable accommodation. He also wished to know what percentage of women with disabilities were employed compared with men and what efforts were being made to promote the employment of women with disabilities and to ensure gender equality in employment.

25. **Mr. Buntan** said that he would appreciate clarification of the legal status of Braille and sign language. Noting that deaf persons could access information only through one particular brand of videophone, he asked how the State party safeguarded the right to information of persons who used other models. It would be useful to learn what percentage of students with disabilities attended mainstream schools and special schools, respectively; how existing special schools were being reformed so that they could play a role in the inclusive education system; and what barriers deaf persons faced with regard to higher education. He also wished to know how the State party linked its implementation of the Sustainable Development Goals with its obligations under the Convention. Lastly, he wondered to what extent information on sexual and reproductive health rights and services was available in accessible formats.

26. **Mr. Parra Dussan** asked whether children with disabilities were barred from secular education and whether education was inclusive for both girls and boys with disabilities. He also wished to know whether persons with disabilities fully enjoyed their right to participate in political life.

27. **Mr. Langvad** asked whether persons with disabilities, especially those with psychosocial disabilities, had access to private health insurance and, if so, what the extent of the coverage was and whether men and women were treated equally in that domain.

28. **Mr. Alsaif** said that the Committee would welcome information on measures taken in the context of Sustainable Development Goal 3 and on training provided to health-care professionals on the rights of persons with disabilities. He enquired how persons with disabilities and their representative organizations were involved in the implementation of the Sustainable Development Goals.

29. **Mr. Kabue** said that he would like to know what steps had been taken to ensure that information provided to the public was accessible to persons with disabilities who required alternative methods of communication and to inform deaf persons about the increasing use of sign language and the arrangements regarding accreditation of sign language interpreters. The Committee was deeply concerned that around 79 per cent of children with disabilities were unable to fully exercise their right to education. Would the Government take immediate action to address that issue, without waiting for new legislation to be enacted? It was unclear how health services catered for persons with disabilities; information would be appreciated, for example, on whether health care was free and facilities were accessible. Lastly, he asked what measures were being taken to reduce the high level of unemployment among persons with disabilities.

30. **Mr. Martin** enquired whether the bill on the rights of persons with disabilities would cover the provision of information in easy-to-read formats and whether public information, for example on voting procedures, was already provided in accessible formats of that kind.

31. **Mr. Basharu** said that the Committee would welcome information on concrete statutory measures adopted to prevent the forced sterilization of women and girls with disabilities. Reports had been received that, since 2011, children who were deaf or blind had been unable to study for secondary education qualifications in subjects such as mathematics. He wished to know why those students were excluded and what was being done to provide teachers with the requisite training on catering for their needs.

32. He would appreciate details of efforts to ensure that the hotline providing information on polling stations was accessible for deaf persons and on any plans to amend the Electoral Act to allow persons with intellectual or psychosocial disabilities to participate in elections. Further information on national implementation and monitoring and on the roles of the Higher Council for Persons with Disabilities and the National Centre for Human Rights would be welcome.

33. **Mr. Rukhledev** asked what steps had been taken to ensure the accessibility of sports facilities and cultural venues, whether persons with disabilities, including children, were able to attend large sporting events, and whether the artistic creations of persons with disabilities had been exhibited.

34. **Mr. Kim** Hyung Shik, highlighting the low reported rate of disability in Jordan, asked whether the State party planned to bring its data-collection methods into line with the Committee's recommendations by further disaggregating the data and incorporating a human rights approach to the definition of disability. It would be interesting to hear about ways in which persons with disabilities and their representative organizations had been actively involved in designing, implementing and monitoring international cooperation projects and about plans to promote their participation in the implementation of Sustainable Development Goals related to disability.

35. **Mr. Chaker**, noting that the bill on the rights of persons with disabilities contained provisions on non-discrimination, asked whether the Government had considered including provisions on inclusive education for persons with intellectual or psychosocial disabilities.

36. **Mr. You** Liang enquired what steps were being taken to reduce poverty among persons with disabilities, whether the State party had made efforts to link its implementation of the Convention with its efforts to achieve the Sustainable Development Goals and what initiatives were under way to enable persons with disabilities to develop their abilities in the field of performing arts.

37. **Mr. Pyaneandee** said that the delegation should clarify how the State party intended to implement article 23 with respect to adoption and how the current adoption system operated. With regard to article 24, he would appreciate further information on continuous curriculum development and in-service training of teachers and support staff in mainstream schools; it would also be useful to know whether there was an itemized yearly budget for the implementation of that article. Lastly, noting the importance of disaggregated data for the development of policies and programmes, he asked how the Government proposed to implement article 31, bearing in mind the specific challenges faced by the State party, such as the impact of refugee flows on national statistics.

38. **Mr. Tatić**, welcoming the inclusion of fixed deadlines in the bill on the rights of persons with disabilities, said that it would be helpful to know whether budgets had been drawn up and resources set aside for implementation of the bill to ensure that those deadlines were met. The Government should consider specifying in the bill which existing laws were not in line with the Convention and whether they would be amended or revoked following the bill's enactment.

39. He asked whether the State party had earmarked financial resources for the removal of barriers faced by persons with disabilities and whether it was engaged in international cooperation to improve the accessibility of heritage sites or had considered exchanging information with countries that possessed experience in that area. He also wished to know whether all social housing for persons with disabilities was compliant with the National Building Code for Persons with Disabilities. Lastly, information would be appreciated on the outcomes of investigations into alleged violations of the rights of women and girls with

disabilities and proceedings initiated by the National Centre for Human Rights for failure to provide reasonable accommodation in the workplace.

40. **The Chair**, noting that the Committee remained concerned about reports of torture and ill-treatment of persons with psychosocial disabilities in mental health institutions and women with disabilities under protective custody, enquired how many women with disabilities were under protective custody, whether the bill on the rights of persons with disabilities would enable authorities to investigate physical and sexual abuse of persons with psychosocial disabilities in health-care settings, and whether investigators would view such violations through the lens of discriminatory torture and ill-treatment.

The meeting was suspended at 11.50 a.m. and resumed at 12.15 p.m.

41. **Mr. Alazzeh** (Jordan) said that all persons, including persons with disabilities, were protected against torture and ill-treatment and against exploitation, violence and abuse by the Criminal Code and Code of Criminal Procedure. Moreover, under recent amendments to the Criminal Code, offences committed on the basis of disability were considered aggravated offences and therefore punished more severely. The Code of Criminal Procedure had also been amended to ensure that, if a crime was committed against a person with an intellectual or psychosocial disability, it was incumbent on the authorities to initiate proceedings, regardless of whether a complaint had been lodged by the victim's family.

42. Although he was aware of concerns about the use of certain prescription drugs to treat persons with psychosocial disabilities, the cases of torture that had been reported by the National Centre for Human Rights had not, to his knowledge, concerned mental health institutions. There was no evidence that torture, as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, had taken place in such contexts. The Government would investigate any cases of torture or ill-treatment that were reported.

43. The National Council for Family Affairs was responsible for developing policies, proposing legislation and implementing programmes on the prevention of domestic violence against women with disabilities. The Government was working with the National Council and the Higher Council for Persons with Disabilities, with the support of various international and national organizations, to improve the protection of women with disabilities, including in shelters. It was also conducting surveys to determine why victims were reluctant or unable to lodge complaints.

44. In Jordan, schools and curricula were neither religious nor secular; religion was taught alongside other subjects. Constraints faced by persons with disabilities in the field of education were not related to the issue of religion.

45. The roles of the Higher Council for Persons with Disabilities and the National Centre for Human Rights were complementary: the first was responsible for developing policies, proposing legislation and coordinating the implementation of the Convention, while the second was in charge of monitoring the overall human rights situation in the country, processing complaints of human rights violations and preparing national reports pursuant to international human rights instruments, including on matters relating to persons with disabilities.

46. Once enacted, the bill on the rights of persons with disabilities would rescind and supersede previous legislation; there was no need to amend it to include additional information on existing legislation.

47. The public and private sectors were being encouraged by the Government to view accessible tourism as a profitable investment. In some cases, technical expertise and considerable financial resources were required to overcome geographical constraints. His country would welcome financial and technical support from specialized international organizations for projects to improve the accessibility of archaeological sites.

48. Efforts had been made by the Independent Electoral Commission to ensure that sign language interpreting was provided in polling stations. All premises used as polling stations in the forthcoming elections would be completely accessible for persons with disabilities. It

was worth noting that the linguistic complexity of Arabic was one of the reasons why sign language was not more widely used in Jordan.

49. **Ms. Alhares** (Jordan), noting that, according to the national census of 2015, 11.2 per cent of persons aged 5 years and over had a disability, said that the proportion of children under the age of 5 years old with disabilities was likely to be similar. There were around 19,000 students with disabilities in mainstream schools and 22,000 students with disabilities in private schools. Statistics on the employment of persons with disabilities were contained in paragraph 29 of her country's replies to the list of issues. In 2015, 76 per cent of persons with disabilities had been out of work.

50. Discussions had been held on improving access to the voting information hotline for persons who were deaf or hard of hearing; unfortunately, there were constraints regarding the types of mobile telephone that could be used by such persons. Data on social housing and on the sexual and reproductive health of women with disabilities were not yet available. However, the findings of a study conducted in 2016, covering topics such as sexual and reproductive health education for adolescents and the medical examination required before marriage, would be published shortly. The Government provided training to those working at the Ministry of Health on the provision of services to persons with disabilities.

51. **Mr. Zabet** (Jordan) said that a number of steps had been taken to protect women from domestic violence. The National Centre for Human Rights had increased the number of family visits conducted to follow up on cases of domestic violence. A bill to combat domestic violence and to improve the protection and social reintegration of victims should be passed in 2017.

52. In order to combat poverty among persons with disabilities, the Government provided financial support through the National Assistance Fund to 18,000 families of persons with disabilities. In the context of efforts to achieve the Sustainable Development Goals, persons with disabilities and civil society organizations throughout the country were being included in the drafting of development plans and policies. The Ministry of Social Development had set up several programmes to enable persons with disabilities to have access to all necessary services and be fully integrated into society.

53. **Mr. Masaiteh** (Jordan) said that the Government was aware of the need to provide training that would enable teachers to acquire the skills necessary to teach subjects such as mathematics to students with visual or hearing impairments. It had undertaken a study of the methods employed in other countries, such as the use of Braille to teach mathematics. Progress could also be made by consulting students with disabilities themselves on their needs and by conducting awareness-raising campaigns to change the attitudes of teachers and students towards persons with disabilities. In that regard, the Ministry of Education had held a number of workshops in which persons with disabilities had been involved. It was worth noting that there were legal restrictions on the extent to which rented buildings could be renovated to cater for persons with disabilities.

54. **Ms. Haj-Yasin** (Jordan) said that, in addition to developing the "30 Questions Guide" on accessible and non-discriminatory appointment processes, referred to in the replies to the list of issues, the Civil Service Bureau had established a sign language hotline for persons with disabilities seeking information relating to job applications. Furthermore, the Ministry of Labour had introduced a new employment plan for persons with disabilities, including new regulations on flexible working arrangements.

55. **Mr. Alazzeh** (Jordan) said that further measures were required to make sports facilities and equipment more accessible. Plans to set up a special unit to improve the accessibility of cultural venues had not been successful, owing to a lack of technical capacity.

56. He trusted that the many programmes and action plans mentioned during the interactive dialogue demonstrated that the Government was not waiting for bills to be enacted before taking action on the rights of persons with disabilities, although it faced many constraints in so doing, notably financial ones. In that regard, it would be useful if donors and partners could propose more comprehensive international cooperation programmes that took into account the broader social and economic context — the

conditions in the agricultural sector, for ex
with disabilities. Lastly, he noted that seve
had established specific budgets for issues r

57. **Prince** Mired Ra'ad Zeid Al Hussei
Committee's questions and comments, wh
needed to be tackled. The Government was
persons with disabilities. It would publi
circulate them among persons with disabili

58. **Mr. Tatić** (Country Rapporteur), r
disabilities held great promise, and that
capacity-building, monitoring, allocating
with civil society and persons with disabili

The meeting rose at 1 p.m.

example — when addressing the needs of persons
veral ministries, including the Ministry of Health,
s relating to persons with disabilities.

ein (Jordan) said that the delegation had noted the
which had served to highlight shortcomings that
as firmly committed to improving the welfare of
olish the Committee's concluding observations,
ilities and take steps to implement them.

, noting that the bill on the rights of persons with
it the State party should focus on mainstreaming,
g sufficient resources and cooperating at all times
ilities.

United Nations CRPD/C/SR.312

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 312th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 29 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Armenia

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Armenia (CRPD/C/ARM/1; CRPD/C/ARM/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Armenia took places at the Committee table.*

2. **Mr. Kocharyan** (Armenia), introducing his country's initial report (CRPD/C/ARM/1), said that Armenia had made a commitment to ensuring equal opportunities for persons with disabilities by ratifying the Convention in 2010. That commitment had informed the range of measures that been taken by the Government in recent years. The problems that remained, which the Government had made considerable efforts to overcome, were largely due to the country's limited means.

3. A number of laws had been adopted or amended to bring Armenian legislation into line with the Convention. That process, which was ongoing, had included the drafting of a bill on the protection of the rights and social inclusion of persons with disabilities. The bill contained a definition of disability that was compatible with the Convention and the International Classification of Functioning, Disability and Health. It addressed such issues as accessibility, education, employment, health care and the conditions necessary to ensuring the equal participation in social life of persons with disabilities. It also provided for the establishment of a monitoring mechanism. The groundwork for a human rights approach to disability had therefore been laid. The bill, which was currently before the National Assembly, was expected to become law in the near future.

4. In addition to the bill, there were a number of legal provisions designed to protect the rights of persons with disabilities. Quotas for the employment of persons with disabilities had been introduced in the Employment Act of 2013. Under that Act, persons with disabilities could also register as job seekers, a status that entitled them to job training and help with finding work.

5. The Government had revised the criteria by which disability determinations were made. In accordance with its new model, a person's disability status was determined after a comprehensive assessment of his or her needs and activities. In 2015 and 2016, in cooperation with the United Nations Partnership to Promote the Rights of Persons with Disabilities and persons with disabilities themselves, the new model had been tested and, starting in 2017, it would apply, on a pilot basis, to all first-time seekers of disability status.

6. The Ministry of Labour and Social Affairs, in partnership with the United Nations Children's Fund (UNICEF), had identified the organizations providing services to persons with disabilities in Armenia and set up an online information system for use by persons with disabilities, policymakers, social workers and persons involved in social assistance networks. In several cases, the Ministry had also delegated the provision of social services to organizations of and for persons with disabilities.

7. To promote greater public awareness of disability issues, 2016 had been designated by the Government as the "year of equal opportunities for persons with disabilities". In addition, the Government had adopted the Comprehensive Programme on the Social Inclusion of Persons with Disabilities for the period 2017 to 2021, which included a number of measures designed to make urban environments more accessible.

8. Most Convention rights were enshrined either in the bill on the protection of the rights and social inclusion of persons with disabilities or in a number of relevant laws. A recently adopted act on motor transport, for instance, stated that vehicles used to provide public passenger service should be equipped to transport persons with disabilities and, in late 2014, the National Assembly had amended the General Education Act to strengthen the right to education of children with disabilities, including in mainstream schools. In accordance with the amended Act, 15 special schools were to be converted into regional centres for learning and psychological support. The transition to an inclusive educational system was being made with the support of a number of international partners.

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9. Measures had also been taken with a view to bringing practices in the health-care sector into line with the Convention. The Ministry of Health, for instance, had proposed amendments to the Psychiatric Care Act that addressed a number of issues relating to the status of persons with psychosocial disabilities.

10. The Government's efforts to implement the Convention were made in close cooperation with non-governmental organizations (NGOs), whose members took part in the work of the National Commission for Persons with Disabilities on an equal footing with representatives of the State. Persons with disabilities were on the electoral lists of every political party vying for seats in the National Assembly in the country's forthcoming parliamentary elections and work was being done to make voting easier for blind persons.

11. The Government understood the importance of making steady progress and was well aware that there was still much work to be done. It trusted that the dialogue with the Committee would have a positive impact on its efforts to implement the Convention.

12. **Mr. Ruškus** (Country Rapporteur) said that, while the State party had made commendable efforts to ensure that persons with disabilities under its jurisdiction could exercise their rights, considerable progress still had to be made if such persons were ever to be able to enjoy their right to lead their lives on an equal basis with others. The drafting of the bill on the protection of the rights and social inclusion of persons with disabilities was a generally positive development, but, like the country's Constitution, it contained a number of provisions that were contrary to the Convention. Both the bill and the Constitution appeared to emphasize the prevention and treatment of disability, while simultaneously downplaying the role played by the interaction of impairments and social barriers. Despite a number of recent amendments to the Constitution, constitutional provisions for legal incapacity and guardianship regimes remained in place.

13. In addition to those concerns, in Armenia, disability was understood primarily as a medical issue. That understanding prevailed not only in official procedures for determining disability but also among the public at large, including leading politicians and specialists who worked with persons with disabilities. The absence of policies designed to protect women and girls with disabilities from gender-based violence was also troubling.

14. Some 500 children with disabilities still lived in orphanages in the State party, where they were at risk of abuse, exploitation and trafficking. As a result of the medical approach to disability, it was not uncommon for medical personnel to encourage the parents of children with disabilities to leave their children in institutional care. There was no strategy for deinstitutionalizing such children. Armenia was in urgent need of measures, including the development of foster care, to support and empower the families of children with disabilities.

15. A lack of awareness by decision makers, a lack of adequate funding and a failure to consult civil society risked seriously undermining plans to return the hundreds of persons with intellectual or psychosocial disabilities living in institutions to the community. The deinstitutionalization of persons with disabilities was an integral part of the human rights approach to disability, as was the restoration of their legal capacity. It appeared, however, that the Government had no plans to repeal the State party's legal incapacity and guardianship provisions. Furthermore, there was no official count of the number of persons with disabilities who had been deprived of their legal capacity or whose legal capacity had been restored after a Constitutional Court ruling of 2015 that had recognized their right to petition for such restoration. In the light of those concerns, it would be interesting to learn what plans had been made to change policies, legislation and practices in such a way as to enable persons with disabilities in Armenia to receive the support they needed to lead independent and decent lives on an equal basis with others.

Articles 1-10

16. **Mr. Chaker** said that he would welcome a description of the accessibility situation in Armenia. He wondered what happened when accessibility requirements were disregarded. Were penalties imposed?

17. **Mr. Tatić** said that he wished to know what practical steps a person with a disability could take to seek a remedy for any disability-based discrimination that he or she had faced. He asked whether the authorities had any data on court cases involving alleged breaches of a person's right not to be subjected to discrimination on grounds of disability and whether the bill on the protection of the rights and social inclusion of persons with disabilities would make denial of reasonable accommodation a prohibited act of discrimination. It would also be interesting to know whether any provisions of Armenian law addressed the intersectional forms of discrimination often faced by persons with disabilities, in particular women and girls.

18. Regarding article 9, he asked whether architects, engineers and designers in Armenia studied accessibility and universal design as part of their professional training. He wondered whether any buses had been purchased by transit authorities since the recent adoption of the Motor Transport Act and, if so, whether they were accessible to passengers with disabilities. As he himself was a wheelchair user, he wished to know how he would be helped to debark the aircraft were he to fly to Yerevan, whether there were any buses or taxies that he could enter without leaving his wheelchair and whether the city's hotels and government buildings were accessible.

19. **Mr. Rukhledev**, stressing the importance of ensuring that persons with sensory impairments had access to information, said that he would welcome information on the status of sign language in Armenia. He wished to know whether the State party had a public programme for training sign language interpreters, how many such interpreters provided services in the State party and what its annual budget was for initiatives to help persons with disabilities gain access to the Internet and other information and communication technologies.

20. **Mr. Langvad** said that he would welcome information about the State party's efforts to involve persons with disabilities of all kinds in decision-making processes. It would be especially interesting to know how they had been involved in the process of amending the Constitution.

21. He asked what direct efforts the Government made to help organizations of and for persons with disabilities not simply by delegating the management of relevant projects to them but also by providing them with resources to help defray administrative and other operating expenses. He asked what steps were being taken to ensure that accessibility requirements were met when buildings were built or renovated and when vehicles for public transport were purchased. Access to employment was of little use if there was no way to get to and from work. He wondered how many mainstream schools were accessible not only to wheelchair users but also to persons with visual impairments or learning disabilities.

22. **Mr. Parra Dussan** asked what plans the Government had made to remove provisions contrary to the Convention from the bill on the protection of the rights and social inclusion of persons with disabilities. In addition, he wished to know exactly which legal provisions should be repealed in order to bring the State party's legislation into line with the Convention.

23. Turning to article 9, he wondered how accessible government web pages were to persons with visual impairments and whether government agencies were required to abide by Web Content Accessibility Guidelines. It would be particularly interesting to know, for example, whether screen readers were available to blind Internet users.

24. **Mr. Basharu** said that he would welcome information on the involvement of persons with disabilities and their representative organizations in the preparation of the State party's initial report, which appeared to have been drafted largely by government officials or organizations close to the Government. He would also welcome information on the measures taken by the State party to prevent violence against women and girls with disabilities in the home, combat the trafficking of such women and girls, provide them with support services in shelters and facilitate their full inclusion in society.

25. He wondered whether the delegation could comment on the participation of persons with disabilities in the country's campaigns to raise awareness of disability issues. It would

be interesting to know what role the media played in fostering the creation of an environment conducive to the inclusion of persons with disabilities in Armenian society and what measures had been taken to rectify the failure to ensure the accessibility of information and communication systems in newly redeveloped Yerevan.

26. **Mr. Ishikawa** asked whether he had understood correctly that the State party had not adopted a law specifically prohibiting discrimination on grounds of disability and, if so, how it intended to ensure that persons with disabilities could exercise their right to reasonable accommodation.

27. **Mr. Martin** asked whether the State party had taken any steps to raise awareness of the rights of persons with disabilities and whether persons with disabilities, including intellectual disabilities, were involved in awareness-raising or training efforts.

28. **Mr. Buntan** said that he wished to know whether the State party intended to ratify the Optional Protocol to the Convention and, if so, when. In addition, he wondered how the State party reconciled awareness-raising campaigns that attempted to portray persons with disabilities in a positive light and legal provisions whose effect was to stress the importance of preventing disability. In connection with article 9, he asked whether Armenia had awarded government contracts in such a way as to enhance the accessibility of physical infrastructure and ensure widespread availability of assistive technologies.

29. **Mr. You** Liang said that the authorities of the State party should bear in mind that resource limitations were not necessarily the greatest obstacle to the implementation of the Convention. The Committee considered not only the progress that a State party had made but also the situation of persons with disabilities relative to that of persons without disabilities. In connection with public awareness, he asked how the State party had familiarized students, university students in particular, with the Convention and whether its contents could be made a regular subject of study in the mainstream educational system.

30. **Mr. Kabue** said that he would welcome information on the involvement of persons with disabilities and their representative organizations in the formulation of the commendable laws that Armenia had adopted to bring its legislation into line with the Convention. An indication of the general availability of assistive devices to enable persons with sight and hearing impairments to access information online would also be welcome.

31. **Mr. Pyaneandee** said that he would appreciate clarification of how the definition and certification of disability were addressed in the bill on the protection of the rights and social inclusion of persons with disabilities. In addition, he wished to know how much money, as a percentage of gross domestic product, would be set aside for the implementation of the provisions of the bill once it became law and what steps would be taken to involve the representative organizations of persons with disabilities in the development and implementation of legislation and policies to implement the Convention.

32. **The Chair** said that she wished to know why the Government had disregarded the recommendations that a number of organizations of and for persons with disabilities had made concerning the wording of the constitutional amendments approved by referendum in late 2016, which had an undesirable focus on disability prevention. In addition, she wondered whether Armenia had any policies or plans to ensure equal opportunities for women and girls with disabilities.

33. **Mr. Ruškus** asked what plans had been made to deinstitutionalize children with disabilities on an equal basis with other children.

The meeting was suspended at 4.05 p.m. and resumed at 4.30 p.m.

34. **Mr. Kocharyan** (Armenia) said that there seemed to be a slight misunderstanding about the bill on the protection of the rights of persons with disabilities. The goal of the bill's drafters had been to ensure that it was in line with the Convention. In addition, work on some of the bill's provisions, which could be guided by the present dialogue, was still under way.

35. The questions about disability prevention also appeared to be the result of a possible misunderstanding. The constitutional provisions in question pertained to the role of the State in preventing disasters or workplace accidents that could cause physical harm. The

prevention of disability was not addressed by the constitutional provisions on the rights of persons with disabilities or by the bill.

36. The Government did not consider that the prevention of discrimination against persons with disabilities was the primary focus of the new law, since it was preparing a separate anti-discrimination law, due to be adopted in 2017, that would ban disability-based discrimination and establish preventive mechanisms, including judicial measures and provisions related to the burden of proof. Special attention would be given to preventing discrimination in housing.

37. **Ms. Martirosyan** (Armenia) said that in January 2017 the Government had approved the Comprehensive Programme on the Social Inclusion of Persons with Disabilities for the period 2017-2021, along with an action plan for its implementation. Under the Programme, the Government would develop indicators to assess the accessibility of all buildings. On that basis, a plan would be implemented to make buildings and roads accessible for persons with disabilities within a given time frame. Other provisions set targets for accessible transport for persons with disabilities. Moreover, since 2016, the State Urban Development Committee had been cooperating with international organizations to deliver training in universal design for specialists in urban development.

38. The Government was undertaking a raft of reforms to protect the rights of children with disabilities, with a strong emphasis on deinstitutionalization. It was also cooperating with the United Nations Development Programme (UNDP), UNICEF and the United States Agency for International Development (USAID) on a reform to establish alternative family- and community-based services for children, particularly those with special needs, and to enhance the foster care system in the country. The first alternative facility based on the new legislation was already operational, while six residential institutions had been earmarked for renovation in order to provide alternative services. International best practice and United Nations guidelines, particularly the Convention on the Rights of the Child, had been taken into account in developing the new legislative framework. The main services to be provided at the new centres would be the rehabilitation of children with disabilities and the training of family members responsible for their care. The Government was also developing manuals and documents to train foster parents and families in caring for children with disabilities.

39. The Government's draft strategy on equal rights and opportunities for women and men for the period 2017-2021 had been drawn up and included a substantial section on women and girls with disabilities, covering topics such as employment, inclusive society and discrimination.

40. Significant progress had been achieved with regard to the accessibility of information and communications technologies. In 2016, the Ministry of Labour and Social Affairs had mapped all the services available to persons with different disabilities and published the results on an accessible web page to assist users, including persons with visual impairments, in locating relevant services in their area. The Government was committed to further improving the accessibility of the web page.

41. Armenia had a National Commission for Persons with Disabilities in which all the relevant NGOs participated and which engaged in comprehensive discussions of all national legislation affecting persons with disabilities. Moreover, the Ministry of Labour and Social Affairs had embarked on a reform of its integrated social services and established a social network, in cooperation with civil society organizations, that covered all social issues, including disability issues. All NGOs were welcome to participate in that platform, which had already yielded positive results. The Government also funded NGOs that provided social services for persons with disabilities, in some cases covering their administrative costs. As part of its efforts to build capacity and develop those services, the Government was introducing case managers in institutions and had developed special training modules and curricula for case managers and NGOs working with persons with disabilities and their families. The new bill on the protection of the rights and social inclusion of persons with disabilities, which had passed its second reading in the National Assembly, had also been extensively discussed with NGOs and would give human rights defenders the right to monitor and evaluate accessibility and the implementation of the law.

42. A range of public awareness-raising campaigns had been launched. Special television programmes were broadcast in relation to social matters, including disability, and the Ministry frequently disseminated information on legislative changes through articles, press conferences and press releases.

43. Lastly, she said that ratification of the Optional Protocol to the Convention was on the Government's agenda, but that it planned to hold extensive discussions with civil society organizations and pass certain legislative amendments before addressing the matter.

44. **Mr. Stepanyan** (Armenia) said that, until 2014, the Government's main strategy for promoting inclusive education had been to expand the number of inclusive schools where children with special educational needs could study alongside their peers. In 2014, the Government had made amendments to the Education Act and aimed to complete the transition to full inclusive education — already established in one region — throughout the country by 2021. Since that presented the challenge of retraining teachers in inclusive education and new methodologies, a special two-week teacher training module had been developed and was taught by specially qualified trainers: on completion participants went on to train their colleagues. Workshops were held for parents in schools in order to raise awareness of inclusive education. The process of closing special schools, most of which had boarding facilities, and moving the pupils to mainstream schools was already under way, while three new centres were scheduled to open in 2017. In harmony with the new definition of special educational needs contained in the Act, the Government and UNICEF had developed a new methodology based on the International Classification of Functioning, Disability and Health, which enabled the authorities to reclassify children's needs and design individual curricula. Pupils that were moved from special schools were assessed, teaching assistants were recruited and financing was provided so that schools could adapt to the students' needs. The Ministry of Education and Science had encountered difficulties in recruiting appropriately qualified specialists, psychologists, social workers and teachers in the regions and aimed to address the shortage by developing new training programmes and introducing new modules in teacher training courses, including at Armenia State Pedagogical University. That university also trained specialists in sign language, which was taught to all children who were hard of hearing.

45. Although 250 schools had been recognized as inclusive, they did not yet provide full physical access. In 2016, the Government, with the support of the Asian Development Bank, had embarked on a programme for the sustainable construction of schools that complied with universal design criteria. International expertise on accessibility for persons with special needs was drawn upon in all school construction and renovation projects. The Government had also signed an agreement with USAID under which grants would be provided for the repair or adaptation of old schools and educational establishments.

46. **Ms. Hakobyan** (Armenia) said that the Comprehensive Programme on the Social Inclusion of Persons with Disabilities included 24 articles on accessibility. The Construction Code stipulated that all new buildings had to meet the requirements of universal design, while non-compliant buildings had to be adapted in keeping with the principle of reasonable accommodation.

47. The draft strategy on equal rights and opportunities for women and men for the period 2017-2021 outlined measures to benefit women with disabilities, including making employers aware of such women's rights and combating the stereotype that they were unable to work. Other measures included the retraining of health-care specialists, in particular those working on reproductive health issues, and a study to monitor violence against women with disabilities, including domestic violence, and to explore the measures needed to combat it.

48. **Mr. Kocharyan** (Armenia) said that, in the past, mechanisms for the participation of organizations of persons with disabilities in decision-making and legislative processes had not always been effective, which had led to dissatisfaction with the consulting arrangements. The Government had recently adopted measures to address the issue, such as offering representatives of civil society the opportunity to participate in the work of ministries and creating an online forum for the discussion of draft legislation and government decisions, with a view to improving transparency and giving stakeholders an early opportunity to

provide input on the regulation of certain issues. Many matters relating to the rights of persons with disabilities were given prominence in other instruments, such as the National Human Rights Action Plan 2017-2019, which devoted considerable attention to the protection of the rights of persons with disabilities and which was expected to be adopted in the near future.

49. Concerning the accessibility situation in Yerevan, visitors to the city would be able to witness first-hand the progress achieved, although many problems remained unresolved. In recent years, the Construction Code had been amended in such a way that the accessibility of all new buildings was a prerequisite for obtaining construction permits and for opening to the public. Further outstanding issues related to public transport, which was an area requiring more consistent policy implementation. In that connection, the Government was planning a new law on State procurement in order to give itself better tools to influence operators and service providers and ensure that they met the needs of citizens with disabilities.

Articles 11-20

50. **Mr. Basharu** said that he wished to know what measures had been put in place within the Crisis Management Centre of the Ministry of Emergency Situations to accommodate the requirements of persons with disabilities and provide employment opportunities. He wondered whether the State had any emergency plans that took account of the needs of persons with disabilities, especially those with psychosocial and intellectual disabilities and sensory impairments.

51. In view of the statement that 37 out of 48 court buildings had been made accessible to persons with disabilities, the delegation should indicate what measures had been taken to ensure access to all judicial establishments, including courts, prisons, police stations and other places of detention. He would also appreciate information on how judicial personnel were trained to understand the needs of persons with disabilities, particularly in relation to the provision of information in accessible formats such as Braille, sign language and easy-to-read.

52. He asked what measures were taken to protect the rights of persons with disabilities who had been detained in penitentiary institutions or otherwise restricted in the exercise of their liberty. Lastly, in view of article 11 of the Transplantation of Human Organs and Tissues Act, which stipulated that "a citizen may not be a donor if he or she is recognized as a person with disabilities, in accordance with the established procedure", he asked what procedures would preclude a person with disability from freely consenting to be a donor on an equal basis with others.

53. **Mr. Tatić**, presenting follow-up questions to the delegation's responses on articles 1 to 10, said that he would be grateful for further information on the separate anti-discrimination law, such as how far the drafting had progressed and whether the draft contained provisions on reasonable accommodation and multiple discrimination. He would also like to know whether the action plan for the implementation of the Comprehensive Programme on the Social Inclusion of Persons with Disabilities included any specific budget lines for the removal of accessibility barriers.

54. In relation to article 19, on independent living and inclusion in the community, he was interested to know whether persons in need of 24-hour assistance had the opportunity to hire a professional personal assistant so that they did not have to rely on volunteers or family members in the performance of their daily activities.

55. **Mr. Martin** said that he wished to know what checks were carried out on foster families and other persons working with children with disabilities to ensure that the children were protected from abuse. He also wished to learn how the Government planned to implement article 12 of the Convention on equal recognition before the law, in line with the Committee's general comment No. 1. Did Armenia provide training for government and judicial officials, as well as parents and support workers, in supported decision-making?

56. Considering that all citizens had the right to be included on an equal basis and that segregation was never the answer, the delegation should explain how the State party was

making article 19 of the Convention a reality for all persons with disabilities, including intellectual disabilities, so that they could choose where and with whom they lived and be assisted by the right services, aids, technologies and communication devices. How much funding was set aside to provide community services for people with intellectual disabilities?

57. **Mr. Ishikawa**, noting that major earthquakes occasionally struck Armenia, said that he wished to know what measures the Government had taken to implement the Sendai Framework for Disaster Risk Reduction in an accessible and disability-inclusive manner.

58. **Mr. Parra Dussan** said that the Committee would be grateful for information on action to facilitate the mobility of persons with disabilities by providing mobility aids, guide dogs for blind persons and other services.

59. **Mr. Buntan** said that he too would like to know whether the State party had prepared a comprehensive disaster reduction plan in accordance with the Sendai Framework and whether it had signed or planned to sign the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, which would complement existing plans to deal with disasters and humanitarian crises. Furthermore, he wondered whether persons with disabilities were allowed to perform functions in the justice system by serving as lawyers, judges and prosecutors, and whether they received any incentives to enter those professions. Lastly, he wished to know whether persons living under guardianship or with restricted legal capacity were considered fit to stand trial and, if so, what measures were in place to ensure that they received a fair trial.

60. **Mr. Langvad** said that the response to his earlier question concerning organizations of persons with disabilities had only mentioned their involvement in providing services, whereas he had wished to ascertain whether they were empowered to participate in the political process and to guide the authorities in dealing with disability matters.

61. Concerning article 19, he wished to learn what guarantees and rights were available to enable persons with disabilities to live independently in the community, and how it was ensured that they had access to the necessary support services both at home and when participating in social and leisure activities. He would be particularly grateful for examples of the assistance provided to persons with different types and levels of disability.

62. **Mr. Kabue**, noting that the report stated that in an emergency the Crisis Management Centre would identify the location of persons with disabilities and arrange for their safety, said that further explanation should be provided of how such locations were identified and whether persons with disabilities were informed of how to be identified and located in a crisis situation. Considering the information that, from 1 January 2013, persons with disabilities would be provided with legal assistance in the event that their rights were violated, he wished to know whether that was indeed the case, how that assistance was offered and how persons with disabilities were made aware that it was available.

63. **Mr. Pyaneandee** said that information should be provided about the budget allocations for the bill on the protection of the rights and social inclusion of persons with disabilities and the action plan of the Comprehensive Programme on the Social Inclusion of Persons with Disabilities, respectively, and the budgetary resources allocated to organizations of persons with disabilities to assist in the implementation of those two instruments.

64. In relation to access to justice, he wished to know how persons with disabilities vindicated their rights and what remedies were open to them, including mechanisms for access to justice during investigation, arrest and detention. Lastly, he wondered whether such mechanisms, including legal assistance or legal aid, were available for women subjected to sexual violence and abuse who were accommodated in institutions.

65. **The Chair** said that she had concluded that the State party's guardianship system was not in line with article 12 of the Convention, in that it allowed for substitute decision-making and assumed that some persons with disabilities were legally incapable of taking decisions about their lives. Accordingly, the delegation should indicate whether there were any plans to change that law and bring it into line with the Convention, by introducing supported decision-making, for example. She was also interested to know whether the number of people under guardianship had increased or decreased since the State party's

ratification of the Convention and what kind of decisions had been taken for people deprived of or restricted in the exercise of their legal capacity.

66. The Committee would also welcome details of any action taken by the Government to overturn the decision that prevented persons with intellectual disabilities, sensory impairments and other health conditions from working as prosecutors, judges or investigators, as well as any plans to amend the regulations disqualifying persons with disabilities from joining the police and rescue services.

67. Noting the State party's plans to conduct research on violence against women with disabilities, she asked why no disaggregated data were available on violence committed against persons with disabilities and whether there were any plans to make services for victims of violence accessible to persons with disabilities.

68. **Mr. Raikos** said that the State party should describe any measures taken to repeal the laws providing for the deprivation of liberty of persons with disabilities without their informed consent, as well as any measures to ensure safeguards and legal assistance for persons with psychosocial disabilities. He was also concerned about persons with specific nutritional needs due to chronic diseases who were deprived of their liberty and wondered whether the State party planned to provide such persons with reasonable accommodation with regard to their eating arrangements.

The meeting rose at 5.40 p.m.

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Seventeenth session

Summary record of the 313th meeting
Held at the Palais des Nations, Geneva, on Thursday, 30 March 2017, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by States parties to the Convention under article 35 *(continued)*

Initial report of Swaziland *(continued)*

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Armenia (continued) (CRPD/C/ARM/1; CRPD/C/ARM/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Armenia took places at the Committee table.*

Articles 1-20

2. **Ms. Hakobyan** (Armenia), replying to questions raised by Committee members at the previous meeting, said that the fact that many persons with disabilities were employed by the Crisis Management Centre of the Ministry for Emergency Response ensured that, in emergency situations, the needs of persons with disabilities were naturally taken into account. Moreover, the Comprehensive Programme on the Social Inclusion of Persons with Disabilities for the period 2017-2021 contained measures to provide emergency-preparedness training to persons with disabilities, incorporate the needs of persons with disabilities into crisis planning and introduce the use of alerts appropriate for such persons, in particular for those with visual or hearing impairments.

3. Almost 30 per cent of the State budget was assigned to social protection, with half that amount allotted to services and allowances for persons with disabilities. Plans and programmes to remove barriers to culture, sport and other areas of life were devised on an annual basis and allocated specific funding. The Comprehensive Programme also included clear financing, milestones and time frames. Funding was contributed by international donors. Audio resources and books in Braille for libraries were provided for in the State budget.

4. **Ms. Martirosyan** (Armenia) said that, under the remit of the Ministry of Labour and Social Affairs, a non-profit organization provided a portfolio of care services and in-home assistance for persons with disabilities. Although it was currently only available in Yerevan, steps were being taken to expand those services to other regions of the country. Measures to ensure employment for persons with disabilities included State subsidies for employers hiring persons with disabilities and funding for personal assistants to support employees with disabilities in the workplace. Regarding foster families with children with disabilities, steps were being taken to improve case management by social workers, for example by the preparation of special training manuals for social workers and foster families. There were also strict procedures in place for social workers with regard to reporting signs of violence against children with disabilities. As for community-based services, a centre offering day-care services and a range of cultural and other activities had been set up for persons with psychosocial or intellectual disabilities. Moreover, a pilot project supported by donor and local organizations had been launched to trial the use of small homes with a family atmosphere as an alternative to large institutions. The feedback had so far been positive and the Government was aiming to build more such facilities in cooperation with local authorities.

5. Persons with psychosocial disabilities who had been victims of trafficking were entitled to receive shelter, medical assistance, counselling, legal support and other services. Interpreters were also available to them and, in future, they would receive financial assistance. Lastly, the action plan for the implementation of the Comprehensive Programme had, regrettably, only limited resources from the State budget. For that reason, certain activities would be funded by international donors.

6. **Ms. Barseghyan** (Armenia) said that the involuntary hospitalization of persons with psychosocial disabilities was limited to a 72-hour period, after which time treatment could continue only with the patient's consent or by order of a court. The use of physical restraints in psychiatric institutions was strictly regulated: they could be used only on the recommendation of a qualified psychiatrist, under constant medical supervision and in a manner that respected the dignity of the patient. Special records also had to be kept.

7. Although, as had been pointed out, article 11 of the Transplantation of Human Organs and Tissues Act provided that persons with disabilities were not permitted to donate organs for transplantation, in reality the restriction related to persons with certain pre-existing medical conditions affecting the relevant organ in question. The provisions of the law were, however, under review and that article in particular would be reworked to bring it into line with the Convention. It was already clear in other legislation on blood donation and reproductive cell donation that disabilities were not considered to be a barrier to participation.

8. **Mr. Stepanyan** (Armenia) said that, as part of the country's disaster risk reduction policy, all educational establishments had guidelines in place to ensure the safety of students, including pupils with disabilities. School evacuations were rehearsed on a regular basis, teacher training sessions had been held in inclusive and special education schools and in children's institutions around the country, and methodological and training materials had been developed, in conjunction with Save the Children, to safeguard children with disabilities during emergencies. The Ministry for Emergency Response, with support from various international organizations and non-governmental organizations (NGOs), had devised a national disaster risk reduction programme and other ministries would now draft similar strategies to cover their areas of competence.

9. **Mr. Kocharyan** (Armenia) said that, of the two bills related to persons with disabilities, the first was aimed at protecting the rights and fostering the social inclusion of persons with disabilities and the second at prohibiting discrimination in general, including against persons with disabilities. It was hoped that both bills would be adopted by the end of 2017.

10. It was true that in Armenia, as in other countries, persons with disabilities could be declared legally incapable and put under legal guardianship. However, the Government was planning to review those practices and had already introduced into law a provision enabling a person's legal incapacity status to be terminated. Thus, efforts were being made to move away from traditional approaches, while also taking into account the country's legal practices.

11. Regarding physical access to the legal infrastructure, most court buildings were old and thus inaccessible. Any renovation works did, however, have to comply with modern regulations. The Government was endeavouring to address similar issues in the penitentiary system: most buildings were old and did not meet modern standards. A new correctional facility had been built in compliance with international standards and other prison facilities were gradually being updated. A centralized hospital facility providing medical care to persons deprived of liberty with specific health problems was to be closed and, in future, medical services would be provided by local health-care facilities.

12. There were no legal restrictions preventing persons with disabilities from working as judges, prosecutors or legal professionals on the basis of their disability. Admittedly, however, the language used in the current provisions, in particular with regard to a judge's capacity to carry out his or her official functions, could be interpreted in a manner that might lead to discrimination against persons with disabilities.

13. Legislation on domestic violence was being drafted in line with modern standards and norms. Once enacted, it would introduce the concept of domestic violence into law for the first time and enable the Government to start collecting data relating to that offence. Lastly, the public prosecutor's office, which had lawyers and offices throughout the country, provided free legal assistance to persons with disabilities.

Articles 21-33

14. **Mr. Tatić** said that he wished to know how many hours there were of television programming with sign language interpretation per week and what progress there had been in making websites accessible to blind persons. Regarding education, he would like to know what budget had been allocated by the Ministry of Education and Science to fund more teaching assistants in inclusive education, whether university buildings in the State party were accessible and to what extent sign language interpretation was available for deaf university students. Lastly, he asked what measures had been taken or were envisaged to

ensure that sites of cultural and historical interest were accessible for tourists with disabilities.

15. **Mr. Rukkledes** said that, in view of the forthcoming elections in the State party, he wished to know what standards were in place to ensure that polling stations and election materials were fully accessible to persons with disabilities; whether the Central Electoral Commission was responsible for access to polling stations; and, if so, whether it worked in cooperation with organizations of persons with disabilities.

16. He asked what specific support was given by the Government to foster the development of sports for persons with disabilities, ensure that sports facilities were accessible and promote the broad participation of persons with disabilities, including children with disabilities, in sporting activities. Similarly, he would be interested to know what was being done to ensure that museums and other cultural venues were accessible and to enable persons with disabilities to realize their creative potential.

17. **Mr. Lovász** said that he was encouraged to hear that the State party aimed to fully implement the inclusive education system by 2021. With that in mind, he wished to know how many schools were currently considered to be fully inclusive and equipped with assistive devices; what plans were in place to make schools fully accessible to children with disabilities; and what reasonable accommodations were made to include children with disabilities in schools, in particular hard-of-hearing pupils, whose needs were very different from those of children who used sign language. He wondered what early recognition and intervention services were available for children with disabilities in relation to inclusive education and what specific action had been taken to devise a time-bound plan, with appropriate financial and other resources, to make all schools fully accessible and to improve the use of assistive technologies. In addition, he asked what measures were in place to prohibit the removal of children with disabilities from classrooms and to ensure that those enrolled in inclusive schools were able to attend school on a full-time basis and participate in after-school activities. In that connection, he wondered what steps had been taken to ensure that home schooling was limited to short periods and used only in exceptional circumstances; whether there were any legislative or other measures to prevent home education from being used in place of inclusive education; how many early education establishments were accessible for children with disabilities; what plans were in place or envisaged to make sure that all preschool education was inclusive, including in rural areas; and what action had been taken to promote inclusiveness in higher and vocational educational institutions.

18. **Mr. Chaker** said that, in the light of the bill before the National Assembly on preventing the involuntary hospitalization of children on the basis of their disability, he wished to know whether parents had the right to commit their children to an institution and whether judges could decide that it was in a child's best interest to be institutionalized. He asked whether any legislation was in place to prevent women and girls with disabilities from being subjected to abortions or sterilizations without their consent.

19. **Mr. Babu** said that the State party should decentralize aspects of its HIV/AIDS prevention, treatment and care services to ensure coverage for vulnerable sections of society. In that connection, he wished to know what steps had been taken or were envisaged to ensure that persons with disabilities were included in the State party's national HIV/AIDS policies, strategies and programmes and in related health-care services. He would also welcome information on the financial resources and training provided to enable persons with disabilities, including deaf persons, to obtain access to mainstream health-care services, for example through the use of sign language interpretation; establish targeted sexual and reproductive health programmes for women and girls with disabilities; and eliminate discrimination against persons with disabilities by health-care professionals.

20. **Mr. Buntan** said that he would be interested to know whether the media provided adequate information for persons with disabilities and whether Braille and sign language had recognized language status in the State party. Moreover, he wished to know whether children with disabilities received sufficient training in Braille and sign language.

21. He asked what measures were in place to provide health-care information in a variety of accessible formats and to ensure that persons with disabilities, in particular

persons with motor disabilities, were able to obtain access to the health infrastructure unimpeded. He also wondered what training was given to medical professionals on how to interact with persons with disabilities seeking health care, with particular reference to how they provided information and support to women and girls with disabilities regarding their sexual and reproductive rights.

22. **Mr. Parra Dussan** said that he wished to know what proportion of private and public sector employees were persons with disabilities and whether there was any legislation establishing quotas for the employment of persons with disabilities in the public sector. He also wondered how the State party guaranteed persons with disabilities the right to participate in political processes and to exercise their right to vote in an autonomous manner.

23. **Mr. Langvad** said that he wished to know whether the different types of reasonable accommodations required by, for example, children with intellectual disabilities or children with autism were taken into consideration during the design of school buildings. He wondered whether inclusive schools took account of the fact that reasonable accommodations should not be limited to classroom settings but should also be provided during break and play times. In that connection, he asked what specific steps the State party was taking to ensure that inclusion began from the outset of children's lives through inclusive, accessible education from preschool age upwards.

24. He asked whether formal plans with specific timelines had been drawn up to ensure that the State party was able to collect the data required for assessing its implementation of the Convention and how the State party made sure that the additional costs associated with having a disability did not prevent persons with disabilities from having an adequate income and standard of living.

25. **Mr. Kabue**, while welcoming the way that the State party had embraced inclusive education, said that there were reports that children with disabilities were, in some cases, able to attend their inclusive schools only two days a week owing to a chronic shortage of human resources. Regarding employment, alternative sources indicated that a high proportion of persons with disabilities were unemployed. In that regard, he wondered whether the quota system referred to in the State party's report was having any effect and what penalties were imposed on organizations that failed to meet the quota. Lastly, he wished to know what financial support was available to persons with disabilities to facilitate their deinstitutionalization and enable them to enjoy an adequate standard of living.

26. **Mr. Ishikawa** said that he wished to know about monitoring, compliance and sanctioning mechanisms established by the State party to ensure that persons with disabilities had access to the physical environment, public transport, and information and communications and that persons with intellectual and psychosocial disabilities had access to information and communications technologies and systems. Lastly, he asked what legal remedies were available to persons with disabilities in cases of inaccessibility.

27. **Mr. Martin** asked whether the term "mental disability" denoted persons with intellectual disabilities, whether people in that category were fully entitled to exercise their rights and whether the Freedom of Information in the Republic of Armenia Act ensured that public information, including about how and where to vote in elections, was provided in accessible formats such as sign language, Braille and easy-to-read documents.

28. **Mr. You** Liang said that he would be interested to learn about measures to enable persons with disabilities to compete on an equal basis with others in the labour market. The tendency to confine their employment to sheltered settings should be gradually changed.

29. He asked whether the data on disability compiled by the State party reflected the real needs of persons with disabilities, so that such data could be consulted by governmental departments with a view to providing individualized services and allocating the requisite budgetary funds.

30. He asked whether persons with disabilities were employed as teachers or lecturers in schools and universities. He also wished to know what percentage of civil servants were persons with disabilities.

31. **Mr. Buntan** said that he would be interested to hear about the Government's general policy on assistive technologies in the areas of research and development, support for training of persons with disabilities and action to facilitate imports of such technologies. He asked whether the policy was also applicable to low-incidence disabilities.

32. As the State party moved towards inclusive education, he wondered how it planned to provide quality education for deaf-blind people requiring individualized educational support. He also asked whether the State party planned to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

33. Lastly, he asked whether, and to what extent, persons with disabilities and their representative organizations were involved in the implementation and reporting of information on the Sustainable Development Goals.

34. **Mr. Kim** Hyung Shik said that the State party had failed to clarify in the section of its report on article 32 of the Convention how the international organizations mentioned in paragraph 320 involved persons with disabilities in the planning, design, implementation and evaluation of development projects. He also wished to know how the State party intended to make the Sustainable Development Goals more disability-relevant and inclusive.

35. **The Chair** asked what services were available for women and girls with disabilities in the areas of reproductive and sexual health. She wondered whether doctors, midwives and other health-care professionals received training on the rights of women with disabilities.

36. She wished to know whether the State party would consider including in its next population census the brief set of questions on disability developed by the Washington Group on Disability Statistics.

37. **Mr. Ruškus** said that he would welcome information concerning measures to increase the accessibility of social protection programmes for children, women and older persons with disabilities and concerning measures taken to promote housing accessibility, especially for persons who had been deinstitutionalized.

38. He asked whether the State party had established an independent monitoring mechanism to promote, protect and monitor implementation of the Convention and whether organizations of persons with disabilities were involved in the mechanism.

39. **The Chair**, noting that the Human Rights Defender served as the national human rights institution, asked whether the institution complied with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The meeting was suspended at 11.25 a.m. and resumed at noon.

40. **Mr. Kocharyan** (Armenia) said that the Electoral Code of the Republic of Armenia, which had been amended in 2016, required local authorities to take all necessary measures to promote full participation of persons with disabilities in the electoral process, primarily by ensuring the accessibility of polling stations. The Code allowed the Central Electoral Commission to adopt regulations to enable persons with physical impairments to participate in voting, while respecting the principle of confidentiality. Those regulations had since been adopted and persons with physical disabilities could vote with the assistance of any person who was not a member of the Commission and did not participate in the electoral process in any other capacity. The minimum conditions for participation by persons with disabilities in the electoral process were therefore guaranteed. No provision had yet been made for the use of Braille and other technical facilities, but action would be taken to that effect in due course. The Code also permitted patients who were unable to proceed to polling stations to vote in medical establishments.

41. The Office of the Human Rights Defender was the institution responsible for monitoring the general human rights situation, including that of persons with disabilities. It had been accredited with "A" status by the Sub-Committee on Accreditation of the International Coordinating Committee of National Human Rights Institutions. He was confident that, when the draft law on the protection of the rights of persons with disabilities

was enacted, the Office would serve as a reliable and objective mechanism for monitoring compliance with the law.

42. **Mr. Stepanyan** (Armenia) said that preschool education was the most vulnerable component of the education system in terms of coverage. The aim was to ensure that as many children as possible attended a preschool establishment for at least a year before they were enrolled in primary school. In the past few years, more than 200 kindergartens had been established in areas where none had existed previously and teachers were being trained to look after children with special needs. Support for the project was provided by the Step by Step Foundation, the United Nations Children's Fund (UNICEF) and the World Bank. Preschool education was conducive to inclusive education, since the focus was on socialization rather than academic goals.

43. Psychopedagogical centres had been established in one region of the country and were being extended to others. Their mandate included the early identification of children with special needs and their enrolment in the education system. In 2016, a fully inclusive system had been established in one region and children with special needs who had previously remained outside the education system were now included. The ultimate goal was to ensure that all schools were inclusive and that all children had access to high-quality education, regardless of their disabilities. A total of 260 schools had hitherto been recognized as inclusive under the pilot project and a kindergarten that specialized in providing services for children with autism had also been recognized as inclusive. A project that was being conducted with the Bridge of Hope Foundation sought to ensure a smooth transition from kindergarten to school-based education.

44. Funding for inclusive education unfortunately fell short of the target of 3 per cent of gross domestic product, but the target would hopefully be achieved in due course. The funding comprised three items. The first was funding for assistant teachers. Supplementary funds were allocated for children with special needs, stringent standards were applicable to the services provided. The second item was funding for psychopedagogical services, primarily through specialized centres that provided support for inclusive schools and additional educational and remedial services for children with special needs. The third item was funding for teaching materials for children with special needs. International organizations, particularly UNICEF and the United States Agency for International Development (USAID), provided valuable support for the smooth transition to inclusive education.

45. Unfortunately, the alternatives to special schools that were currently proposed to families did not fully meet existing needs. The parallel system therefore still existed and parents chose the type of school in which they wished to have their children enrolled. However, as the capacities of ordinary schools to provide quality education for children with special needs were gradually enhanced, special schools would no longer be necessary and it was hoped that parents would opt for inclusive education. Top priority was being given to the provision of high-quality educational services for all children within the general education system. In particular, the national curriculum was being reviewed and updated to reflect the requirements of inclusive education.

46. A strategy for teacher training and in-service training was being developed. Training for instruction in an inclusive context would constitute a mandatory component of the programme. New standards were also being applied to teaching materials, resources and textbooks. Existing textbooks were criticized for being unduly academic and should be rendered more pupil-friendly. They were currently being revised and special teaching materials would be developed for children with special needs. Under the existing system, children with special needs were frequently assigned to special classrooms and given separate instruction. Measures were currently being taken to promote their inclusion in ordinary classes and the provision of additional services at the end of the school day by psychopedagogical experts on the school premises rather than in psychopedagogical centres. Inclusive education also implied that children with and without special needs should be encouraged to communicate and interact not only at school but also during school holidays.

47. Some schools receiving funds for inclusive education had enrolled children with minor disabilities but encouraged home-based education for children with severe

disabilities, who posed a greater challenge for teachers. That approach was not approved by the authorities, who now provided additional funds to promote the broadest possible enrolment of children with disabilities. They had also adopted a list of disabilities for which home-based education was permissible and had developed a special curriculum for such cases.

48. No restrictions were imposed on the employment of persons with disabilities as schoolteachers or lecturers in universities. However, not many such posts were currently occupied by persons with disabilities. No restrictions were imposed, either, on employment in the civil service.

49. With regard to the accessibility of vocational and higher educational institutions, steps were being taken to refurbish old buildings, for instance by installing entrance ramps and special toilets. New buildings were constructed in accordance with the rules on accessibility. If persons with disabilities met minimum educational standards, they could attend vocational training colleges or universities and receive State study grants.

50. The Livelihood Improvement through Fostered Employment (LIVE) programme was conducted jointly with USAID in 44 vocational education institutions. Action was being taken to provide appropriate services and in-service training for teachers. About 900 young people with disabilities had attended short- or long-term vocational training courses to date.

51. A database and statistics had been developed to monitor and manage the education system. Data were compiled each year on teachers, pupils, including those with special needs, the physical environment and other factors. The database was being updated and aligned with international classification criteria.

52. In the context of action to achieve the fourth Sustainable Development Goal, the Government had adopted the Action Plan and Timetable for the achievement of universal inclusive education by 2025. In addition, the Government had established a committee, in cooperation with international organizations and civil society associations, to develop a national approach to achieving the Goals. A number of working groups were focusing on specific national indicators and a programme aimed at incorporating the recommended global monitoring indicators was being developed.

53. **Ms. Barseghyan** (Armenia) said that the Ministry of Health was implementing a programme to prevent HIV/AIDS, to provide health-care services and to minimize stigmatization and discrimination. As part of the national programme for representatives of public-sector organizations and medical personnel on preventive programmes for vulnerable groups, training courses and seminars were organized, including on the programme to prevent HIV/AIDS, with a view to promoting consultations and research on diagnosis of HIV infection, prevention of mother-to-child transmission of HIV and provision of multifaceted medical assistance to patients, including persons with disabilities, in medical facilities.

54. The World Bank had provided support and funding in recent years for action to promote the accessibility of many medical facilities, in both rural and urban areas, for persons with disabilities. Old buildings had been renovated and new buildings had been constructed in accordance with the applicable standards. Some 16 or 17 medical centres were now equipped with such facilities. They included a new gynaecological centre in Yerevan and medical centres in Megri and Vanadzor. There were also plans to renovate Surmalu Hospital and the Artashat Medical Centre in 2018.

55. With regard to reproductive health, women and girls with disabilities were entitled to receive free medical assistance, including computerized tomography, magnetic resonance imaging, and gynaecological and obstetric support. Training courses and seminars on the reproductive health of persons with disabilities were organized for medical personnel in rural and urban hospitals.

56. The bill amending the Psychiatric Aid Act addressed the issue of forced hospitalization. Such action was permissible only on the basis of a medical report by a psychiatric commission and a court ruling.

57. **Ms. Hakobyan** (Armenia) said that the State provided financial support each year for organizations that organized sports and physical training activities for persons with disabilities. Special events included the "Best Athletic Family" and the "Best Sportsmen with Disabilities". Financial support was also provided for persons with disabilities who competed in the Paralympic Games. The World Individual Deaf Chess Championship had been held in Yerevan in 2016. The Ministry of Sport and Youth Affairs was developing a sports strategy for persons with disabilities.

58. The "Family Librarian" programme supplied books and other materials to persons with disabilities in their homes. About 10 libraries had installed special computers for blind people under the "Sun" programme. Access to information was provided through Braille in some cultural centres and museums. Books in Braille and talking books were published each year and made available to persons with disabilities through libraries.

Measures were also being taken to ensure the accessibility of theatres, cinemas and sporting facilities.

59. The Television and Radio Act required all television channels to broadcast at least one programme each day with sign language interpreters. All news programmes should also be accompanied by captions, but additional funding would be required to achieve that goal.

60. **Ms. Martirosyan** (Armenia) said that the Ministry of Labour and Social Affairs would promote awareness among public-sector bodies operating in the area of tourism of the need to make all relevant facilities accessible to persons with disabilities.

61. The questions developed by the Washington Group on Disability Statistics had not been incorporated in the 2010 population census, but the Ministry of Labour and Social Affairs would seek the assistance of the National Statistical Service in incorporating them into the 2020 census.

62. A number of projects were aimed at promoting employment for persons with disabilities. For instance, lump-sum wage subsidies were provided to employers who hired them. Assistance was provided to persons with disabilities for engaging in small-scale entrepreneurial activities, agricultural activities or resettlement for employment purposes in other parts of the country. They were also involved in paid public work.

63. Quotas were regulated by the Employment Act. The quota of persons with disabilities to be employed in public-sector entities with more than 100 employees was 3 per cent and in private-sector entities 1 per cent. If the requirement was not met, the entities concerned were required to make payments to a special fund. The money was then used for programmes supporting persons with disabilities. Issues that had arisen during the implementation of the quotas were currently being analysed with a view to finding an effective solution.

64. Pensions were provided for persons with disabilities, and families including persons with disabilities were also entitled to increased benefits. Prostheses and medical assistance were provided free of charge.

65. The Comprehensive Programme on the Social Inclusion of Persons with Disabilities adopted in January 2017 contained provisions for ensuring accessibility to information and communications for persons with disabilities.

66. **Mr. Kocharyan** (Armenia) said that the constructive dialogue with the Committee had provided a strong impetus for legislative and other action, which would doubtless have a positive impact on the situation of persons with disabilities and their inclusion in the community.

67. **Mr. Ruškus** said that persons with disabilities should live within society on an equal basis with others rather than in specialized facilities. Their rights should be addressed, notwithstanding any shortage of financial or other resources, with a view to eliminating discrimination and segregation.

68. The bill on the protection of the rights and social inclusion of persons with disabilities should be amended to align it with the Convention, taking into consideration the Committee's general comments. General comment No. 1 concerning equal recognition

before the law required States parties to abolish substitute decision-making regimes and to develop supported decision-making alternatives. General comment No. 2 on accessibility required them to ensure access to the physical environment, transportation, information and communication so that they could effectively exercise various civil and political rights. General comment No. 3 on the rights of women and girls with disabilities urged State party authorities to combat violence against women by developing gender and disability-sensitive policies, legislation and practical measures. General comment No 4. on inclusive education urged States parties to invest in an inclusive curriculum and to support teachers and individualized learning based on children's capacities, needs and aspirations. General comment No. 5 on the right to independent living, which would shortly be adopted, stressed that persons with disabilities should be included in the community and have access to mainstream services and activities.

69. All decisions should be implemented in close and comprehensive consultation with persons with disabilities and their representative organizations.

The meeting rose at 12.55 p.m.

United Nations CRPD/C/SR.314

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 314th meeting
Held at the Palais des Nations, Geneva, on Thursday, 30 March 2017, at 3 p.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Honduras

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Honduras (CRPD/C/HND/1; CRPD/C/HND/QPR/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

2. **Ms. Maradiaga** (Honduras), introducing her country's initial report (CRPD/C/HND/1), said that, for many years, little attention had been paid to disability issues, but they had been made a priority under the current administration, and the living conditions of persons with disabilities had been improved through the application of a rights-based approach. The 2005 Act on Equity and Comprehensive Development for Persons with Disabilities recognized the State's obligation to guarantee the full development and social participation of persons with disabilities. The National Policy on the Rights and Social Inclusion of Persons with Disabilities, adopted in 2013, emphasized the importance of empowerment, solidarity, sustainability, coordination, comprehensiveness and transparency in addressing disability issues, and incorporated human rights, gender, life-cycle and multicultural perspectives as well as such principles as universal design, mainstreaming, institutional strengthening, community-based inclusive development and decentralization. The Policy's objective was to guarantee the full enjoyment of rights by persons with disabilities by ensuring that conditions were in place for the social changes necessary to achieve respect for their inherent dignity, ensure their access to social opportunities on an equal basis with others, and promote respect for difference and non-discrimination.

3. Honduras considered inclusion to be a moral imperative and a legal obligation and rejected the traditional welfare-based approach to disability. According to estimates by the Pan American Health Organization, persons with disabilities accounted for between 11 and 15 per cent of the country's total population. The Government had clearly shown that it had the political will to effectively implement its disability policy. A great deal of effort was being invested to ensure that the requisite institutional infrastructure existed to support the policy's operative and strategic objectives. Initiatives were being carried out with key civil society actors, churches and the private sector to promote active participation by persons with disabilities in all spheres of life. The Government had invested a total of 240 million lempiras (around US$ 10 million) in the disability sector in 2016 to support actions carried out by the Ministry of Social Development and Inclusion, the Ministry of Health, the Ministry of Education and the Ministry of Labour and Social Security; it also allocated funding to civil society organizations working with persons with disabilities.

4. The Government was currently revising and updating national legislation to bring it into line with international standards, in particular the Convention and the Optional Protocol thereto. The fact that denial of reasonable accommodation constituted a form of discrimination was being taken into account in the revision of the Criminal Code. The Counsel General's Office had been requested to review domestic legislation regulating issues that could have an impact on the exercise of rights by persons with disabilities. Braille versions of both the Constitution and the Transparency and Access to Public Information Act had been published. Just the previous day, Honduras had deposited its instrument of ratification to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Honduran Sign Language was recognized under the Honduran Sign Language Act and a sign language version of the national anthem had been disseminated nationally.

5. The "Better Living" programme instituted a comprehensive social protection system in which the Government, civil society, the private sector and rights holders shared responsibility. Priority was given to urban and rural populations living in poverty and extreme poverty and situations of vulnerability, risk and social exclusion, with an emphasis on female heads of household, older adults, children and persons with disabilities. The "Honduras for All" disability programme had been created in 2016 and involved an integrated, comprehensive, multidisciplinary system of social protection that took account

of individuals' needs, capacities and c
own development. The Government wa
the population of persons with disabili
identify the measures that would best s
social and cultural development. The
promote the rights of persons with di
campaigns.

6. Efforts were being made to
accessibility of information and comm
were developing mechanisms to facili
the rights and needs expressed by d
cooperated on the implementation of t
inclusion of persons with disabilities
Commission on Disaster Preparedne
that set out preventive and remedial
disabilities. The Supreme Court had
Brasilia Regulations Regarding Acce

7. In the field of education, the
Network for Inclusive Education and
standards on accessibility for student
educational infrastructure. The pi
Autonomous National University of
buildings, and elevators and ramps
progress had been made in the area of
2016, a total of 55,232 children with d
— 24,084 girls and 31,148 boys. The
sublirectorates for persons with disabi
had been developed for the inclusion
level. At higher level, teacher train
education as well as sign language. Sc

8. The national health system ha
community-based approach that focu
country. Health care for persons with
centres provided them with medical
programme of protected employment
Inspection Act, inspectors had a man
kind of discrimination in the field of
for such conduct. The Ministry of
Major" (A better life with a job) progr
benefited persons with disabilities.
facilitate interaction between persons w

9. Given that strong institutions w
quality of actions for the benefit of pe
the Department for Disability, under th
been strengthened and restructured. It
to defend the rights of persons with d
the path it had embarked on was the
partner in its efforts to improve the wa
also been received in the form of impro

10. **Mr. Pinto Simões** (Country
commended on the deposit of its instru
number of legislative and policy ad
prohibited ground of discrimination in
inclusive education. He also welcom
reviewed at the high-level political
However, many challenges remained
status of the bill on inclusive develop

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l environment and ensured their participation in their
was working actively to get a more accurate picture of
lities, including their location and environment, and to
t support their inclusion, empowerment and economic.
he Government and the media worked together to
disabilities through education and awareness-raising

entrally to improve physical accessibility as well as
mmunication; at the regional level, local governments
ilitate the mobility of persons with disabilities, based on
their populations. Government and civil society had
f the framework cooperation agreement for the electoral
es, facilitating access to polling stations. The Standing
ess had adopted a strategic plan for risk management
ial actions, taking account the needs of persons with
ad adopted regulations on the implementation of the
ess to Justice for Vulnerable People.

londuras had been a member of the Meso-American
nce 2013, and in 2014 had incorporated international
ents with disabilities into its national master plan for
physical infrastructure development plan of the
of Honduras included accessibility standards for new
s had been installed in existing buildings. Significant
of inclusive education for children with disabilities. In
h disabilities had been enrolled in the education system
he Education Act provided for the establishment of two
abilities. Teaching materials in print and digital formats
on of students with disabilities from primary to higher
ning programmes were being developed on inclusive
functional therapy, psychology and social work.

had been reformed in 2014 with the adoption of a
ought health services to the most remote parts of the
th disabilities was a priority, and comprehensive health
cal services at home. A bill had been drafted on a
nt for persons with disabilities. Under the new Labour
andate to protect persons with disabilities against any
f employment, and there were administrative sanctions
f Labour and Social Security's "Con Chamba Vivis
ogramme and the labour force participation round table
. The Empléate Plus platform had been created to
s with disabilities and employers.

were one of the prerequisites for the sustainability and
persons with disabilities, the lead agency in that area,
the Ministry of Social Development and Inclusion, had
Honduras recognized that it still had much work to do
disabilities. The Government believed, however, that
e right one. Civil society was the Government's main
well-being of persons with disabilities, but support had
ernational cooperation.

ry Rapporteur) said that the State party was to be
trument of ratification of the Marrakesh Treaty and on a
dvances made, such as the inclusion of disability as a
in the Criminal Code, and on its efforts in the area of
omed the fact that Honduras had volunteered to be
al forum on sustainable development in June 2017.
ed. The Committee would welcome an update on the
opment for persons with disabilities and why progress

had stalled. The Committee was concerned about the continued use of pejorative terms, such as "*locos*" (crazy people), in some of the State party's legislation, including the Civil Code, and the reference to "special abilities" in the law on education. The lack of clear, recent statistics on the number of persons with disabilities in the country made it difficult to evaluate the situation; indeed, the most recent census data were from 2004. As in many other countries in the region, there continued to be strong support for telethon fundraising campaigns, which perpetuated a charity-based model of disability. Although Honduras celebrated a national day of solidarity for persons with disabilities in April every year, again the focus was on solidarity with persons with disabilities rather than on their rights. He wondered whether there were any plans to change that approach or to celebrate instead the International Day of Persons with Disabilities. Like other countries with a Germano-Roman legal tradition, Honduras faced the challenge of amending its laws to replace the guardianship system with a supported decision-making model for persons with disabilities. Similarly, the transition from a system of special education to inclusive education posed difficulties. Since specialized university training had been discontinued, there was a shortage of sign language interpreters in the country. The Committee was also concerned about the threats to the life of persons with disabilities as a result of gang violence. Another major challenge for the State party was putting an end to the forced institutionalization of persons with intellectual disabilities.

Articles 1-10

11. **Mr. Alsaif** said that he would like information on measures taken to protect children with disabilities from physical ill-treatment, corporal punishment, abuse and exploitation and to provide support to families of children with disabilities. He requested details of major media campaigns to raise public awareness of the rights of persons with disabilities. Lastly, he asked whether there was a Honduran Sign Language version of the Convention.

12. **Mr. Kabue** said that he would be interested to hear more about the involvement of organizations of persons with disabilities in the design and implementation of legislation and policy. He wished to know which bodies led the State party's public awareness campaigns and how persons with disabilities and their representative organizations were involved. He requested an update on the situation with regard to access to transport and the measures being taken to address problems in that area.

13. **Mr. Langvad** said that he would like to know how the Government was supporting organizations of persons with disabilities to be able to provide guidance on the design of legislation, programmes and other initiatives focusing on persons with disabilities. What steps were being taken to ensure that children with conditions such as autism did not face corporal punishment as a consequence of behaviour linked to their disability?

14. **Mr. Basharu** said that he would like details of the composition of the National Institute for Women and of any plans to amend the legislation governing the Institute to include provisions regulating activities for women with disabilities. He requested information on measures to prevent discrimination, violence and abuse against women and girls with disabilities and strengthen their capacity and that of their representative organizations. He asked why the Government continued to invest large sums of public funds in the Telethon foundation, despite the fact that it portrayed persons with disabilities as objects of pity and charity and had failed to embrace a rights-based approach to disability. He also wished to know whether the State party would consider adopting concrete measures to empower persons with disabilities and their representative organizations to lead awareness-raising activities in conjunction with the relevant government ministries and agencies. He would welcome an update on the implementation of the Act on Equity and Comprehensive Development for Persons with Disabilities, specifically the progress achieved in creating an accessible environment, including in the areas of transport, infrastructure and information and communication technology. Was the Act in line with Sustainable Development Goal 11, which required States parties to provide access to safe, affordable, accessible and sustainable transport systems for all, including persons with disabilities?

15. **Mr. Buntan** said that he would like to know what steps the Government had taken to harmonize the Constitution and domestic legislation with the Convention, especially

when it came to the definition of persons with disabilities. He asked to what extent the Government was using public procurement policy to enhance accessibility of the physical environment, transport and information and communication technology for persons with disabilities.

16. **Mr. Babu** asked whether disability-based discrimination was clearly defined in the State party's legislation, policies and programmes, and whether all persons, including indigenous persons and women and children with disabilities, were protected against multiple discrimination. Noting the inaccessibility of some of the country's natural landscapes, he asked how public transport and public amenities, including government buildings and parks, were designed to facilitate ease of movement by persons with disabilities.

17. **Mr. Martin** asked whether the State party's awareness-raising efforts were in line with the Convention.

18. **Mr. Tatić** said that he would like to hear more about the legal remedies available to persons with disabilities who faced discrimination. In that connection, he wondered whether the 217 complaints mentioned in the report had all been filed by persons with disabilities or members of their families. He wished to know what sanctions applied in the event of non-compliance with accessibility standards and what monitoring mechanisms were in place. Were accessibility and universal design included in mandatory training for architects, engineers, designers and urban planners? Lastly, he asked what specific measures were being taken to protect the lives of persons with disabilities in the context of the fight against crime.

19. **Mr. Rukhlenko** asked whether persons with disabilities and their representative organizations were involved in decision-making on matters that affected them. He wished to know whether there was a State programme for training sign language interpreters and, if so, how many persons had been trained and were now providing services. What assistance was provided to ensure access to the Internet and information and communication technology for persons with disabilities?

20. **Mr. Lovászy** asked whether there were specific pejorative terms for persons with hearing impairments and, if so, what measures were being taken to eliminate their use. He would be interested to hear about concrete results of the cooperation between the Government and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and how NGOs had been involved. He also wished to know what was being done to tackle the high levels of violence, human rights abuses and insecurity in the country, particularly to protect women with disabilities against gender-based violence.

21. **Mr. Chaker** asked whether persons with disabilities were protected from all forms of discrimination in all areas of life and what was being done to address the multiple discrimination experienced by women with disabilities.

22. **Mr. Ishikawa** said that he would like to hear details of the methodology used in the various training and awareness-raising activities conducted on the rights of persons with disabilities.

23. **Mr. Kim** Hyung Shik, expressing concern that 27 per cent of economically active persons with disabilities had no educational qualifications and that 52 per cent of persons with disabilities were inactive, asked what policies and programmes were in place to enhance the inclusion of persons with disabilities in society. He wondered to what extent the National Policy on the Rights and Social Inclusion of Persons with Disabilities provided for the mainstreaming of disability issues in the work of government ministries. He would be interested to know what the rationale was for not expressly defining the concept of reasonable accommodation in legislation and how it was proposed to achieve inclusion of persons with disabilities without doing so.

24. **Mr. Pyaneandee** said that he would like to know how the Government planned to move away from the medical model it employed, for the definition and certification of disability, which was not in line with the Convention, and what the timeline for such a transition would be. He would welcome details of the budgetary allocations for implementation of the Convention and the sources of such funding.

29. **Mr. Pavez Donoso** asked whether there were any plans to amend the definition of disability contained in article 7 of the Act on Equity and Comprehensive Development for Persons with Disabilities to bring it into line with the Convention. He would be interested to learn more about the reasons for merging the Department for the Development of Persons with Disabilities and the Department for Older Persons and the results of that restructuring. Although disability-based discrimination was an offence under the Criminal Code, there had been no reported cases of such discrimination; he would like to know why. Noting that the majority of complaints lodged with the National Human Rights Commission by persons with disabilities were in relation to the right to life, threats and extortion, he asked how the Government intended to improve protection for persons with disabilities.

30. **Mr. Yee** Liang asked which government department was responsible for coordination with other ministries and local government on disability issues. He also wished to know what efforts were made to give a more positive portrayal of persons with disabilities as contributors to the country's social and economic development and not merely recipients of charity.

31. **The Chair** said that she would like to know why the Department for the Development of Persons with Disabilities had been transferred from the Ministry of Human Rights, Justice, Governance and Decentralization to the Ministry of Social Development and Inclusion. She would welcome an update on the proposed reform of the Act on Equity and Comprehensive Development for Persons with Disabilities.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

32. **Mr. Obando** (Honduras) said that support services were provided to children with disabilities at the national level through government-funded day-care centres. In addition, the Department for Children, Youth and Families had concluded agreements with civil society organizations for the provision of services to those children. The National Policy on Prevention of Violence against Children and Young People had been adopted in 2013. The Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons organized awareness-raising and training activities in schools. In cases of trafficking and sexual exploitation of children with disabilities, the Public Prosecution Service investigated and instituted criminal proceedings when there was sufficient evidence that an offence had been committed. Such cases were referred to a social worker who checked the child's environment and took statements from those responsible for his or her care and, if necessary, adopted ex officio protection measures, such as placement in temporary care. The Government provided vouchers to help families living in poverty in urban and rural areas meet the immediate needs of children with disabilities. The new bill on persons with disabilities provided for inclusive centres for children and adolescents with disabilities whose immediate families were unable to take care of them, who had been abandoned or who were being economically exploited by family members or others.

33. Both the second Gender Equality and Equity Plan and the National Plan to Combat Violence against Women 2014-2022 included specific provisions on combating gender-based violence against women with disabilities. The newly launched "Ciudad Mujer" (Women's City) programme was aimed at bringing about improvements for women in areas such as economic autonomy, protection from gender-based violence, sexual and reproductive health care and education. A range of quality services was being provided collaboratively under the programme by 15 public institutions. The programme's centres had been designed to be physically accessible for women with disabilities.

34. **Mr. Olavarría Urbina** (Honduras) said that the review of domestic legislation conducted by the Counsel General's Office had focused on the Civil Code, which contained pejorative terms and provisions that were incompatible with the Convention, such as those relating to the institutions of guardianship and curatorship, which themselves were in need of reform. Article 321 of the Criminal Code prohibited the arbitrary or unlawful impediment or restriction of the enjoyment of individual or collective rights and the refusal to provide a professional service on the grounds of, inter alia, disability and established penalties for those responsible. The draft revised Criminal Code would include specific provisions criminalizing discrimination and discriminatory practices. The revision of the Code would also provide an opportunity to amend or remove certain terms and to include

others to ensure compliance with the Convention. Civil society would be able to provide input into and make recommendations on the draft.

31. Pursuant to the Brasilia Regulations Regarding Access to Justice for Vulnerable People, the Supreme Court had set up a committee to identify and take steps to remove the barriers preventing vulnerable persons, including persons with disabilities, from accessing justice. The committee was also competent to receive complaints and to make recommendations aimed at securing effective access to justice for those persons.

32. The Act on Equity and Comprehensive Development for Persons with Disabilities, which had been adopted prior to the entry into force of the Convention for Honduras, likewise contained outdated and pejorative terms and would be revised to ensure consistency with the latter's provisions. The Government intended to submit the various legislative initiatives to Congress in the coming months in order for them to be disseminated and for civil society and other relevant stakeholders to submit comments and make recommendations. It remained confident that the proposed legislation would serve to remove all obstacles to the realization by persons with disabilities of all the rights enshrined in the Convention.

33. **Ms. del Cid Andrade** (Honduras) said that the staff of the National Statistical Institute, the National Centre for Information on the Social Sector and the School Management System worked closely together to collect, coordinate and streamline data to facilitate the accomplishment of the objectives set in respect of persons with disabilities in the education system. Furthermore, a strategic plan for the education sector covering the period 2017-2030 was being developed in response to the Sustainable Development Goals.

34. Following a consultation on the possible continuation of the courses in sign language interpretation hitherto offered by the National Autonomous University of Honduras, the National Education Council had decided that those courses could be convened if and when there was sufficient demand. In addition, educational psychology teams had been deployed to train teaching staff and to address any difficulties encountered by children with disabilities in schools. The Ministry of Education was in the process of identifying children with disabilities who were not attending school and determining whether they needed literacy support under the national literacy plan. Adults with disabilities who had begun but not completed their compulsory education, particularly those living in rural or remote communities, were provided with an opportunity to continue their studies by alternative means.

35. Concerning accessibility, a specialized training programme for civil engineers, architects and other professionals working in the construction sector was being conducted, and the possibility of including a disability perspective in the revised curriculum was currently under discussion. All municipal governments were in the process of formulating a policy for persons with disabilities that would prioritize actions aimed at meeting their needs, facilitating the enjoyment of their rights and promoting their full inclusion in society. The instructions issued by the Institute for Community Development, Water and Sanitation for the construction of open public spaces also took account of the accessibility needs of persons with disabilities. Moreover, the Government had duly applied universal accessibility standards in the construction of new outdoor recreation areas.

36. Since 2015, the Government had been working to provide an increasing number of schools with access to information and communication technology. At present, more than 2,500 public schools had access to such technology, which was also available through special projects, community centres and centres of the National Institute for Vocational Training. The National Resource Centre for Inclusive Education for Persons with Sight Impairments was responsible, inter alia, for producing teaching materials. Basic education materials were being translated into Braille for use in all schools attended by children with visual impairments. The Government was also working with the national teacher training college to ensure that all teacher training courses, regardless of specialization, included a component on working with students with disabilities, as teachers were well placed to identify and report shortcomings in the education dispensed to those students.

37. **Mr. Carranza** (Honduras) said that the Ministry of Labour and Social Security determined the extent of the reasonable accommodation that companies should make for

persons with disabilities on the basis of the type of disability, the requirements of the post and the physical accessibility of the workplace in question. Such an approach served to prevent disability-based discrimination and allowed persons with disabilities to perform work on an equal footing with others. Representatives of the Ministry had also conducted visits to raise awareness among private sector employers of their duty to implement the Act on Equity and Comprehensive Development for Persons with Disabilities and to uphold the principle of non-discrimination in the workplace. The Act addressed disability-based discrimination in the workplace, set quotas for the employment of persons with disabilities in the public and private sectors and granted fiscal incentives to companies that met the quotas set. Moreover, the National Policy on the Rights and Social Inclusion of Persons with Disabilities established the obligation for the State to guarantee persons with disabilities equal employment opportunities in public institutions and to make any structural and functional adjustments necessary to that end. The Ministry of Labour and Social Security had also taken affirmative action to promote self-employment among persons with disabilities, especially women with disabilities, through microenterprise development and microcredit schemes.

38. The Ministry of Labour and Social Security, together with the National Institute for Vocational Training, had provided persons with disabilities with technical training with the aim of enhancing their job skills. The Ministry had also launched an initiative designed to assist persons with disabilities in their search for employment and had taken measures to prevent the harassment of those persons in the workplace. It had also made it compulsory for companies to include a clause on disability in all internal employment regulations and had provided labour inspectors with basic training on human rights, including those of persons with disabilities, and on the legal tools necessary to ensure compliance with the Act on Equity and Comprehensive Development for Persons with Disabilities. In addition, an online tool had been developed in partnership with civil society for the purpose of facilitating the integration of persons with disabilities into the labour market.

39. **Ms. Cerrato** (Honduras) said that the Ministry of Human Rights, Justice, Governance and Decentralization used a responsibility-based model for the delivery of human rights training, drawing on the principles set out in the United Nations declaration on human rights education and training, which Honduras had ratified in 2011. As a preliminary step, a training needs assessment was conducted, and the results were then followed up on as appropriate. The topics broached in human rights training courses ranged from the concept of human dignity and the country's legal and institutional framework for the promotion and protection of human rights and the responsibilities of the State and citizens in that connection, to the human rights of vulnerable groups, including persons with disabilities. The human rights of vulnerable groups was considered to be a cross-cutting topic and was part of the training curricula of all public servants and law enforcement officials. The Ministry of Human Rights, Justice, Governance and Decentralization had prepared a manual for dispensing human rights education. Human rights training courses could last anywhere from 16 to 60 hours, including hands-on experience. The impact of human rights training courses had been measured and lessons learned, leading to the appointment of institutional focal points for human rights. The human rights training courses run to date had been attended by public servants from five State institutions, including the national fire brigade and the Ministry of Infrastructure and Public Services, and had facilitated the mainstreaming of a human rights perspective into a number of services for persons with disabilities.

40. The cooperation between the Government and OHCHR had begun in September 2015. OHCHR had helped consolidate a system for the protection of human rights defenders; submitted recommendations on the draft revised Criminal Code, the national human rights monitoring system and the Act on Equity and Comprehensive Development for Persons with Disabilities; provided technical assistance in establishing an inter-institutional human rights mechanism; and participated in a dialogue with Honduran civil society organizations.

41. **Ms. Aguilar** (Honduras) said that the Department for Disability, formerly the Department for the Development of Persons with Disabilities, involved organizations of persons with disabilities in the design of all its plans and programmes and in the drafting of

any legislation concerning persons with disabilities, the Department would not adopt any law that was drafted without their input or that failed to meet with their approval. By way of example, representatives of organizations of persons with disabilities had sat on the technical committee tasked with developing the disability inclusion programme known as "Honduras for All" and had played a role in diagnosing the shortcomings of the Department and in its subsequent strengthening and restructuring. Although ensuring full compliance with the entire body of legislation concerning persons with disabilities continued to pose a real challenge to the Department, it would not cease in its efforts to that end. The Ministry of Social Development and Inclusion attached great importance to the work carried out by organizations of persons with disabilities and showed its support by providing them with funding to the tune of US$ 1.2 million per year. Organizations whose activities were deemed to be of particular significance could be allotted additional funding. Representatives of organizations of persons with disabilities also sat on the technical committee for inclusion in the workplace and, in conjunction with the Department for Disability, provided training on disability inclusion to private sector companies.

42. Pursuant to the Act on streamlining the public administration, improving services for citizens and increasing the transparency of the Government, the Department for Disability and the Department for Older Persons had been placed under the authority of the Ministry of Social Development and Inclusion as two independent entities, each with a separate budget line and distinct functions and responsibilities. The restructuring process had served to optimize the use of budgetary resources by the Ministry and to strengthen the links between the various departments of which it was composed, thus enabling coordinated action to be taken in favour of persons with disabilities. The Department for Disability had been greatly strengthened as a result of the restructuring initiative.

43. It should be noted that the fundraising activities associated with the national day of solidarity for persons with disabilities, which was celebrated on the last Friday of April each year, were carried out by organizations of persons with disabilities themselves. The Department for Disability, in contrast, celebrated the International Day of Persons with Disabilities on 3 December each year through a series of activities to promote the empowerment of persons with disabilities as rights holders, as opposed to beneficiaries of charity. The Department would endeavour to reschedule the day of solidarity for persons with disabilities to coincide with the International Day of Persons with Disabilities in the future.

Articles 11–20

44. **Mr. Martin**, noting that organizations of persons with disabilities were major proponents of the self-advocacy movement, the aim of which was to allow persons with intellectual disabilities to speak up for themselves and to exercise their rights, asked whether there were organizations that represented the specific interests of persons with intellectual disabilities in Honduras and, if so, whether the State party involved them in its work. He would also appreciate details of the State party's efforts to raise awareness among the members of the judiciary of the need to enforce the right of persons with disabilities to equal recognition before the law and to exercise legal capacity on an equal footing with others, in keeping with article 12 of the Convention and the Committee's general comment No. 1 (2014). Lastly, it would be helpful to learn more about the measures taken by the State party to uphold the right of persons with disabilities, including persons with intellectual disabilities, to live independently and be included in the community and to choose their place of residence, on an equal footing with others, and to guarantee them access to the in-home, residential and other community support services and technology necessary to that end.

45. **Mr. Ruskus** said it was his understanding that, in Honduras, persons with psychosocial disabilities or persons declared to be legally incompetent could be confined in one of the country's two psychiatric hospitals for extended periods in application of court-ordered security measures, which, in some cases, also entailed mandatory psychiatric treatment. He asked whether the State party intended to repeal the legal provisions authorizing such practices, which clearly ran counter to article 14 of the Convention, and what measures it envisaged taking to guarantee persons with psychosocial disabilities

access to consensual medical treatment suited to their needs, such as that provided by community-based mental health services.

46. **Mr. Buntan** said that it would be useful if the delegation could elaborate further on the measures taken to ensure the accessibility of information and communication technology, including the Internet and other information services, for persons with disabilities. Given that the State party was at risk of both natural and man-made disasters, he would be interested to know what steps it had taken to implement the Sendai Framework for Disaster Risk Reduction and the extent to which it had involved persons with disabilities and their representative organizations in that process. He would also like to know whether, in Honduras, persons with disabilities could open a bank account, apply for a credit card and complete financial transactions independently or whether a person without a disability was required to represent them in such matters.

47. The Committee had received reports that, in Honduras, persons with disabilities, especially children with disabilities, were often forced to beg on the streets by their families. He asked whether there were any measures in place to protect persons with disabilities from economic exploitation or any mechanisms to monitor the prevalence of that phenomenon. Noting that the State party's approach to deinstitutionalizing persons with disabilities focused almost exclusively on community-based rehabilitation, he asked whether it had considered taking measures to enable persons with disabilities who had left institutional care to live independently and to facilitate their full inclusion in the community with access to support services and assistive technology as and when required.

48. **Mr. Ahaif** asked what measures the State party had taken to guarantee persons with disabilities access to community support services, including personal assistants, to allow them to live independently in the place of their choice.

49. **Mr. Basharu** said he had been alarmed to learn that the Standing Commission on Disaster Preparedness had no special strategies for assisting persons with auditory or speech disabilities to communicate with the authorities in the event of them requiring rescue or assistance during a natural disaster, civil emergency or a crime. Had the State party taken any steps to remedy that situation? What measures had the State party taken to give effect to Sustainable Development Goal 11 on making cities inclusive, safe, resilient and sustainable?

50. It would also be helpful to learn more about the steps taken by the State party to ensure the physical accessibility of courts, prisons, police stations and other places of detention for persons with disabilities and the availability of information in accessible formats for those persons, especially Braille or simplified text, so as to guarantee them effective access to justice. The delegation might also indicate whether members of the judiciary received training on the needs of persons of disabilities seeking justice. Noting that independent living schemes for persons with disabilities were virtually non-existent in the State party, he asked what measures it envisaged taking to remedy that shortcoming.

51. **Mr. Tatić** asked whether, in Honduras, police stations were accessible to persons with a physical disability, particularly wheelchair users; whether there was at least one official who was trained in sign language at each police station; whether hotlines for reporting crimes were accessible to persons with a hearing impairment; and whether police officers were trained to communicate in plain language with and provide information in accessible formats to persons with intellectual disabilities who fell victim to a crime.

52. **Mr. Kabue** said that it would be useful to receive more information on the mandates and functions of and the cases taken up by the Department for Disability, which could provide legal services to persons with disabilities whose right to exercise their legal capacity had been violated, and of the Special Prosecutor for Children and the Disabled and the Special Prosecutor for Human Rights, which were responsible for investigating, prosecuting and bringing to trial cases involving offences or human rights violations against persons with disabilities. He asked whether the State party intended to introduce a supported decision-making regime for persons with disabilities with a view to broadening their access to essential services.

53. **Mr. Pyaneandee** asked whether the State party acknowledged that there was evidence to suggest that, in Honduras, persons with disabilities were subjected to torture and other cruel, inhuman or degrading treatment and how victims of such practices could gain access to justice. Were persons with disabilities in that situation entitled to legal assistance? Similarly, the Committee had received reports that persons with psychosocial or intellectual disabilities in particular often fell victim to exploitation and that women with such disabilities routinely suffered sexual abuse. What measures were in place to protect and support those persons and to guarantee them access to justice?

54. **Mr. Parra Dussan** asked whether the various legislative initiatives intended to align the State party's domestic legislation concerning persons with disabilities more closely with the Convention could be revised to take account of the comments and recommendations made in the context of the interactive dialogue with the Committee and resubmitted to Congress. He would be interested to hear whether the reforms under way would include the repeal of the provisions of the Civil Code that imposed restrictions on the exercise of legal capacity by persons with disabilities and the introduction of amendments to allow supported decision-making. He also wished to know whether the State party planned to amend Legislative Decree No. 151-2009 establishing the Risk Management System to include a special evacuation protocol for persons with disabilities in the event of a natural disaster, conflict or an emergency situation.

55. Noting that the second most frequent subject of complaints lodged by persons with disabilities in Honduras was denial of or lack of access to justice, he asked what measures had been taken to provide procedural accommodations and ensure full accessibility of legal proceedings for those persons. He would also like to know what specific circumstances could justify the confinement of persons with psychosocial disabilities or persons declared to be legally incompetent in the country's two psychiatric hospitals. Lastly, he enquired as to the scope of the services provided by the National Commission in Support of Returned Migrants with Disabilities to migrants with disabilities bound for Mexico who ended up staying in Honduras and as to the measures taken to guarantee their rights and integrate them into local communities.

56. **The Chair** said that, pursuant to the Committee's general comment No. 1 (2014), it was not sufficient for States parties simply to repeal the provisions of their civil codes and other laws that imposed restrictions on the exercise of legal capacity by persons with disabilities without also adopting measures intended to bring about a paradigm shift from substitute to supported decision-making and a change in practice among professionals working with persons with disabilities, especially in countries where the former approach prevailed. She asked whether the State party had adopted any such measures. Noting that the State party's report provided next to no statistical data on the subject, she said that she would be interested to know how many persons with disabilities were currently living under guardianship or curatorship arrangements and whether that number had increased or decreased since Honduras had ratified the Convention. What decisions were made on behalf of persons with disabilities who were under guardianship or curatorship? How many such persons had been subjected to forced treatment?

57. It would also be useful to learn how many persons with disabilities had been detained on grounds of impairment and whether those persons had access to legal assistance and had the right to challenge their detention. She would likewise welcome statistical data on the prevalence of violence against women and girls with disabilities, which was a major cause of concern to the Committee, and information on any helplines or shelters set up to assist them and on any measures taken or envisaged to address that phenomenon. Lastly, she asked whether the State party had taken any steps towards designating an independent authority to monitor all facilities and programmes designed to serve persons with disabilities as a means of preventing exploitation, violence and abuse, in accordance with article 16 (3) of the Convention.

The meeting rose at 6 p.m.

United Nations CRPD/C/SR.315

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record of the 315th meeting
Held at the Palais des Nations, Geneva, on Friday, 31 March 2017, at 10 a.m.

Chair: Ms. Degener

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Honduras (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of Honduras (continued) (CRPD/C/HND/1; CRPD/C/HND/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Honduras took places at the Committee table.*

Articles 11–20

2. **Ms. Alvarado** (Honduras), responding to questions put at the previous meeting, said that the Government was seeking through the "Honduras for All" programme, launched in 2016, to enable all persons with disabilities to live independently and enjoy extensive mobility by supporting individuals' autonomy and integration into society. Thus far, some 12,000 persons with disabilities had benefited from activities under the programme. Particular attention was paid to the issue of accessible infrastructure. The "Honduras for All" programme was associated with the "Better Living" programme, which was a rights-based initiative intended to improve conditions for people living in poverty or in situations of vulnerability. Under those programmes, in 2016 nearly 200 accessible housing units had been built for persons with disabilities, and such efforts would continue.

3. The new health-care model introduced by the Ministry of Health ensured that, when necessary, primary care could be provided for persons with disabilities in their homes, in the presence of their families. Health-care professionals were thus brought closer to the communities they served and were gaining better knowledge of their needs. State health programmes featured decentralized and integrated services. Pursuant to a cooperation agreement between the Ministry of Social Development and Inclusion and the National Commission for Housing and Human Settlements, a health-care voucher programme had been established for indigenous and afro-Honduran communities and 98 new housing units had been constructed for persons with disabilities in two municipalities.

4. Sustainable Development Goal 11 called for cities to be inclusive, safe, resilient and sustainable. Accordingly, access to basic services, transport and housing must be guaranteed, including for persons in vulnerable situations, which was also in line with article 9 of the Convention. Progress in ensuring access had been limited in Honduras. The Government had, however, made access to mobility and transport top priorities, and the various government services responsible for transportation were currently articulating strategies with local authorities. They had also drawn up protocols to assist persons in situations of vulnerability, such as women and child migrants and persons living with disabilities who were forced into begging or were victims of trafficking or sexual exploitation.

5. The Code on Children and Adolescents established protection mechanisms for children in vulnerable situations, including children with disabilities. If it was determined that a child's rights were being violated, as in the case of a child forced into begging, the authorities were able to take emergency protection measures. Such measures included urging the child's parents or legal guardians to correct their behaviour; taking administrative measures to protect the child within the nuclear family unit; or, if the child had been abandoned, placing him or her in an adoptive family, with an accredited foster family or with relatives from the extended family. The overarching aim of such measures was to avoid institutionalization of the child. As a last resort, children were sometimes placed in institutions approved and regularly monitored by the Department for Children, Youth and Families. In any event, such measures were taken by decision of the authorities on a temporary basis only, pending reunification of the child with the nuclear or extended family. The Criminal Code provided penalties of from 3 to 6 years' imprisonment for the economic exploitation of children, with more stringent sentencing in the event of aggravating circumstances, including the exploitation of children under the age of 12 or children with disabilities, or a link with human trafficking.

6. In cases of abuse by parents, neighbours or close relatives, the Department for Children, Youth and Families coordinated its work with prosecutors. It immediately removed the child from the environment in question, and hearings were subsequently held with the primary aim of protecting the rights of the child. A guide provided instructions on how to deal with such situations. In extreme cases, where the parents were incapable of performing their role, the child could be placed for protection with a non-governmental organization (NGO) until another solution was found. Reports of abuse could be filed by acquaintances, family members or school personnel and could be anonymous. The Department was only able to respond when reports were officially filed by public or private institutions.

7. **Mr. Alvarenga Urbina** (Honduras) said that a reform process was under way to eliminate pejorative terms and non-inclusive language remaining in the country's laws. *Inter alia*, Congress had before it a bill, proposed on the initiative of civil society, to amend the Act on Equity and Comprehensive Development for Persons with Disabilities. The staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras had been asked for comments and observations during the drafting of the bill so as to help ensure that it would be in line with the Convention. In particular, provisions had been included prohibiting denial of reasonable accommodation and characterizing it as a form of discrimination.

8. The review of Honduran legislation would bring about a paradigm shift with respect to the definition and exercise of legal capacity, thus facilitating the filing of claims by persons with disabilities. The reform of the Criminal Code would ensure that deprivation of liberty could be imposed only for acts that constituted offences, and only within the limits established by the sentencing guidelines, subject to periodic review by judges. Committal to a psychiatric hospital was a last resort. Mario Mendoza Hospital did not admit any individuals from prison facilities. Santa Rosita Hospital currently housed about 30 individuals who were subject to security measures handed down by the courts. He looked forward to seeing the Committee's recommendations on such questions and would do his best to ensure that its views were taken into account in the reform process.

9. **Ms. Corrales** (Honduras) said that the Public Prosecution Service had a Special Prosecutor for Human Rights, who ensured that the authorities in places of deprivation of liberty respected the legal provisions protecting the rights of individuals in custody. More generally, persons with disabilities were able to report violations of their rights to the Public Prosecution Service, either directly or through third parties such as family members or civil society organizations. The Service had staff trained in sign language interpretation, and some 45 of its officials had undergone training, including sign language instruction, to improve their performance when dealing with cases involving persons with disabilities. The Service had in February 2017 launched an outreach programme to improve respect for persons with disabilities, using radio, television and social media. It was currently investigating 10 cases involving violations of the rights of persons with disabilities. Thus far, there had been no cases of denial of access to justice for persons with disabilities.

10. In the event of violence against women or children with disabilities, the State provided shelters and an emergency hotline for reporting cases. Women with disabilities who were subjected to sexual abuse were able to bring cases before the Office of the Special Prosecutor for Women, which employed multidisciplinary staff, including prosecutors, social workers, psychologists and forensic specialists. The Office's protocols were in line with the principle of inclusion of persons with disabilities and were designed to provide protection and care for all, including the most vulnerable victims.

11. The Supreme Court's department for human rights monitored the State's respect for its obligations under international treaties and the incorporation of such obligations into the Court's rulings. Within the judicial branch, a judicial school offered initial and continuous training to civil servants, in line with the rulings and guidelines issued by the Supreme Court. The school was about to adopt a curriculum that would include training in comprehensive care for women victims of violence and information on the various human rights treaties, including the Convention, and on the Brasilia Regulations regarding Access to Justice for Vulnerable People and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Some of the issues proposed by

the Department for Children, Youth and Families for coverage in the training included disabilities, violence, environment, human trafficking, child abduction, the sex trade, migration and juvenile justice. The judicial branch had signed international agreements on ensuring access to justice for persons with disabilities and would work under the Brasilia Regulations to that end.

12. As part of its efforts to attend to the needs of vulnerable populations, the judicial branch was implementing a specific programme for vulnerable women in urban areas, including victims of human trafficking or sexual exploitation. Generally, victims had to deal with additional problems such as depression, suicidal tendencies or post-traumatic stress syndrome. Under the programme, they were given comprehensive assistance and specialized care to improve their mental and physical health, and their cases were followed up. In previous years, quantitative statistics had not been kept, but more detailed record-keeping had begun in 2017.

13. According to statistics from the national prison system, there were currently over 920 persons with disabilities in places of detention, including about 170 each with mobility, auditory or cognitive disabilities, nearly 400 with psychosocial disabilities, and 14 in psychiatric wards. That represented nearly 6 per cent of the overall prison population. Persons deprived of liberty had the right to receive visits and legal counsel. The number of lawyers providing such counsel had recently increased from 12 to 30. The legal advice was given promptly and with full respect for confidentiality. The right to health care of persons deprived of liberty was guaranteed in international and national standards. In 2015, medical facilities had been upgraded at one of the major prisons, thus greatly improving the care available for inmates. Newly built establishments were provided with appropriate facilities, medications and equipment to serve their populations under an agreement recently concluded between the various responsible government bodies, with the Honduran Red Cross acting as an observer.

14. The national mechanism for the prevention of torture regularly visited places of deprivation of liberty to ensure that inmates were not subjected to ill-treatment, and employees of the prison service were given training in methods of preventing torture and cruel or degrading treatment. In March 2016, a human rights protection unit had begun operating with the aim of carrying out national-level training in torture prevention for civil servants.

15. The Office of the National Commissioner for Human Rights had recently seen an increase in the number of complaints of human rights violations filed by persons with disabilities. Of those, over 60 per cent related to the right to life, personal safety, honour, dignity, family and the right to petition; employment, education, health care and social security accounted for another 20 per cent of cases, while the rest involved issues of access to justice, questions of due process or general advisory support.

16. **Ms. del Cid Andrade** (Honduras) said that students with disabilities, at all levels, benefited from the use of information and communication technologies that facilitated access to education. The Ministry of Education had launched two major programmes in that area, respectively for specialized centres and for inclusive education centres for persons with visual or auditory impairments. Technical cooperation was ensured with the National Resource Centre for Inclusive Education for Persons with Sight Impairments. The Ministry worked with numerous centres to enable them to use the latest software to promote learning and also to ensure that such software could be integrated not only at the specialized centres themselves, but subsequently elsewhere, including at mainstream schools.

17. In general, students graduating from grade 6 should be integrated into the regular education system. The Ministry inspected and validated the accommodation measures taken in schools, in cooperation with the national resource centre for inclusive education, and it was currently extending its activities to promote inclusive education nationwide. The Ministry was also working with the National Autonomous University of Honduras and had introduced certain modifications to software programs to better accommodate university students with visual impairments. It cooperated with libraries and institutions of higher learning to ensure that students with disabilities were able to carry out research and had access to basic documentation.

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lots with the assistance of a person of their choice? Were

any persons with disabilities deprived of their right to vote owing to deprivation or restriction of legal capacity?

25. **Mr. Lovászy** said that he would appreciate more information about affirmative action measures. For example, did the State party provide tax incentives to promote equal opportunities for persons with disabilities on the labour market, and, if so, how had such incentives influenced employment levels? Did the Government apply sanctions to companies that did not comply with the relevant legislation? While the State party's efforts to make information and communication technologies available to improve access to education for persons with disabilities were welcome, certain important elements, such as the associated curriculum plans, training activities, teaching personnel and infrastructure, were not yet adapted for use in individualized education. What kind of actions could address such shortcomings? He had heard that the annual budget for the subdirectorates responsible for education for persons with disabilities amounted to the equivalent of approximately €3,000. That would clearly be insufficient to effectively include children with disabilities in the mainstream education system.

26. **Mr. Ishikawa** asked what percentage of television programmes had closed captions, audio description or sign language interpretation and whether government and private websites were accessible to persons with disabilities. While he welcomed the adoption of the Honduran Sign Language Act, he would like to know more about plans for the development of the language; any future work should take place with the active involvement of deaf persons and their representative organizations. Lastly, there was evidently an urgent need to take administrative and financial steps to train sign language interpreters.

27. **Mr. Alsaif** said that it would be useful to have more detailed information on the measures taken to ensure the accessibility of health-care services and facilities and on how free access to medicines and supplies for persons with disabilities was guaranteed. He asked whether the rights of persons with disabilities had been incorporated into plans for the implementation of the Sustainable Development Goals.

28. **Mr. Basharu** asked whether health-care professionals were adequately trained and equipped to support women and girls with disabilities in the exercise of their reproductive rights. Referring to paragraph 267 of the State party's report (CRPD/C/HND/1), he asked what steps were being taken to raise awareness of the Convention among employers and what the sanctions were for failing to provide reasonable accommodation in the workplace. He wished to know what support was available to persons with disabilities, especially those from indigenous communities and those living in rural areas, to cover the additional costs deriving from their disability. He enquired whether the State party planned to amend the relevant provisions to ensure that all persons with disabilities could vote in secret, accompanied by the person of their choice. Lastly, he asked what measures were in place or envisaged to achieve the Sustainable Development Goals, especially target 17.17 on data.

29. **Mr. Pyaneandee** asked whether any research had been carried out on the economic benefits of inclusive education, to what extent the general population was aware of those benefits, whether the school curriculum was updated on an ongoing basis, what training was provided to help teachers handle the challenges of inclusive education and whether resources had been earmarked for the transition from the segregated to the inclusive system. It would be helpful to know which government body was the focal point for implementation of the Convention, what arrangements were in place for monitoring rights violations and what effective remedies were available to persons with disabilities in the event of a violation.

30. **Mr. Kabue** asked what the guiding principles of inclusive education were in the State party and how the Government intended to ensure that sign language interpretation was available for all students who required it. Given that rehabilitation services appeared to be provided mostly by NGOs, he wondered what interaction there was between those organizations and the Government. Organizations of persons with disabilities must be distinguished from organizations that provided services to that population group; in that regard, he wished to know with which type of organization the Government was working. It would also be interesting to know how persons with disabilities who had never worked

were able to support themselves as the only income support allowance available appeared to be a disability pension for former workers. For example, were they provided with housing and an income?

31. **Mr. Martin** asked whether voting information was provided in accessible formats, including easy-to-read, and whether it reached the people who needed it. Given that persons with intellectual disabilities tended to have shorter lifespans than others, he wished to know how such persons were treated by the health-care system.

32. **Mr. Buntan** said that the State party was to be commended for ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Noting that the number of sign language interpreters was low despite the adoption of the Honduran Sign Language Act, he asked how the State party managed to provide services to deaf and deaf-blind students in higher education. He wished to know whether persons whose legal capacity was removed or restricted, especially those from indigenous communities, could take out life insurance and, if not, what steps were being taken to remedy the situation. Lastly, he enquired about plans to include persons with disabilities in government data collection efforts in order to ensure that they had access to public services and all possible forms of support on an equal basis with others.

33. **Mr. Rukhlediev**, recalling that the specialized university training programme for sign language interpreters had been halted years previously, asked how many interpreters there were, what kind and how many hours of training was available, whether interpreters were involved in the development of interpreter training and whether representatives of associations of deaf persons took part in the evaluation of interpreters-in-training. He also wished to know what learning assistance was provided to deaf-blind children. He asked what the Government was doing to develop the practice of sport among persons with disabilities and to ensure the accessibility of sports facilities. He invited the delegation to comment on the accessibility of museums and other cultural facilities and on efforts to encourage the cultural endeavours of persons with disabilities.

34. **Mr. Kim** Hyung Shik asked what the employment prospects of persons with disabilities were in the light of the fact that nearly 30 per cent had no education, what their average income was in comparison to the national average and whether there was any data on employment discrimination against them. It would be more useful to know the percentage of persons with disabilities in work rather than the absolute number. Referring to paragraph 261 of the report, he asked whether the Government collected its own data on employment or relied solely on NGO data. Lastly, he wished to know what body served as focal point for implementation of the Convention, as defined in article 33, and whether it was compliant with the Paris Principles.

35. **Mr. Babu**, noting the prevalence of HIV/AIDS in the State party, asked what measures were in place to ensure that persons with disabilities, especially women, girls and blind, deaf and deaf-blind persons, had access to prevention and treatment services at the local and national levels and whether they were defined as a most vulnerable group in relevant policies. To what extent were sexual and reproductive health programmes accessible to those categories of persons with disabilities?

36. **Mr. Ruskus** asked what State support was available for the families of children on the autism spectrum, whether there were early intervention centres and whether support continued to be provided when a child reached adulthood.

37. **Mr. Tatić** asked how the authorities ensured that entities receiving international aid took account of accessibility and disability. He wished to know whether support was available to wheelchair users at airports, to what extent transportation, hotels, cultural centres and recreational facilities were accessible and whether a website had been created to inform persons with disabilities of available services.

38. **Mr. You** Liang asked what sports activities were organized for persons with intellectual disabilities and whether the State party sent delegations to the Paralympic Games. He wished to know how the State party fostered and promoted the entrepreneurship of persons with disabilities and, thereby, their economic empowerment.

39. **Mr. Parra Dussan** asked how the State party intended to implement inclusive education given the lack of sign language interpreters and the recent closure of the model college serving students with disabilities, and whether it was true that the assistive devices required by persons with disabilities were not covered under the national health system. It would be interesting to know whether any businesses had been sanctioned for non-compliance with quotas on the employment of persons with disabilities. While the intention behind the disability vouchers provided under the "Honduras for All" programme was laudable, the approach should be more rights-based. He wondered how the State party would guarantee the participation of persons with disabilities in the general elections to be held later in 2017, in particular with regard to the accessibility of polling centres, the availability of ballots in Braille, the possibility of independent voting and the opportunity to run for office. He also wished to know what plans there were to increase involvement of persons with disabilities in the decisions of the Office of the National Commissioner for Human Rights. He asked when the next census would be and whether it would include questions on persons with disabilities. Lastly, he enquired what progress had been made in establishing an independent monitoring mechanism within the meaning of article 33 of the Convention.

40. **The Chair** stressed that compliance with article 12 involved more than removing pejorative language: the practice of substitute decision-making had to be abolished altogether. In addition, unless women with disabilities were specifically targeted by measures to combat sexual violence, relevant efforts would never reach them. Drawing the delegation's attention to the questions of the Washington Group on Disability Statistics, she suggested that they might guide the State party in incorporating disability issues in the next census.

The meeting was suspended at noon and resumed at 12.30 p.m.

41. **Ms. del Cid Andrade** (Honduras) said that the Government was working with various organizations to develop a concept of inclusive education, which would then be submitted for adoption by Congress in a decree amending the Education Act. The Government, in cooperation with the Ministry of Education and the congressional budget committee, was considering short-, medium- and long-term measures, including the establishment of a subdirectorate for inclusive education and the development of a strategic plan that incorporated Sustainable Development Goal 17, with a view to implementing inclusive education. Efforts were focused on six areas, namely access, efficiency, quality, management, competitiveness and participation. The current budget was 42.3 million lempiras.

42. The National Institute for Vocational Training had a sign language training programme, delivered by certified instructors, for public servants and employees of private companies providing services to the public, as well as for the population in general. The Ministry of Education was collaborating with the National Autonomous University on guidelines for the inclusion of persons with disabilities in higher education and on re-opening the sign language interpreter training programme. The closure of the model college was indeed regrettable because it had been an innovative establishment that provided education to many children with disabilities; the Ministry was looking into lessons learned and avenues of support for reviving the related project.

43. Two television channels provided sign language interpretation during various national broadcasts. There were plans to expand the National Resource Centre for Inclusive Education for Persons with Sight Impairments to cater to persons with other disabilities. There were also plans to transfer projects being developed by the University in areas such as mobility, registration and examination support and curriculum adaptation to the general education system. Lastly, efforts were under way to include sport for persons with disabilities as a vital component of learning and rehabilitation.

44. **Mr. Carranco** (Honduras) said that, under article 36 of the Act on Equity and Comprehensive Development for Persons with Disabilities, donations to public or private institutions working on disability issues and salaries paid to persons with disabilities were tax deductible. Pursuant to the new Labour Inspection Act, certificates of compliance with labour laws and occupational health and safety standards had been introduced, as well as

financial and other penalties to be imposed by inspectors. The Act addressed non-discrimination and provided for the establishment of a compliance monitoring mechanism.

45. The Ministry of Social Development and Inclusion had rolled out various initiatives on the labour inclusion of persons with disabilities. The initiatives were designed in consultation with organizations of persons with disabilities and included Empléate Plus, a platform containing the profiles of jobseekers. Over 1,350 persons with disabilities were currently registered and their files sorted by type of disability in accordance with the International Classification of Functioning, Disability and Health.

46. **Ms. Cerrato** (Honduras) said that the Government was developing a strategic plan on the implementation of the 2030 Agenda for Sustainable Development and, in that connection, had instructed all ministries to link their objectives with the Agenda. The Government, in consultation with various agencies, local governments, academics, the private sector, the media and regional and international partners, was preparing its first progress report for review at the high-level political forum on sustainable development in July 2017. Thus far, the authorities had selected the priority goals, defined the indicators and methodology to be used and considered planning, budgeting and monitoring issues. Data on persons with permanent disabilities collected through the latest census in 2013 and disaggregated by department, rural or urban setting and disability were available on the website of the National Statistics Institute.

47. **Ms. Aguilar** (Honduras) said that the Supreme Electoral Court had signed an agreement with organizations of persons with disabilities in 2009 that was renewable every four years. Pursuant to the 2013 agreement, a department had been set up to monitor respect for the political rights of persons with disabilities. Everyone involved in the organization of elections now received training in the right to participate of persons with disabilities. A working group on statistics had also been established to collect information on the persons with disabilities who exercised their right to vote in the 2017 general elections with a view to creating a database. Steps were being taken to make electoral messaging accessible and joint efforts with the Ministry of Education were under way to address the accessibility of polling centres. Regarding assisted voting, the assistant was always a trusted person chosen by the voter concerned.

48. Providing an overview of the heath-care system, she said government policy was that all households should be within two hours of a primary health-care facility. In 2016, the Ministry of Health had launched a public policy on sexual and reproductive health that promoted discrimination-free care, as well as a national strategy on gender and health designed to achieve an inclusive and fair health-care system. An inter-agency committee and a fund had been set up to address the treatment and prevention of disabilities resulting from the practice of scuba dive fishing, and the Ministry had developed a treatment protocol for persons with decompression sickness. The rehabilitation centre at San Felipe Hospital, with support from the "Honduras for All" programme, provided care and free orthotics and prosthetics to persons with disabilities. Services were provided whether a person was in transit or resided in Honduras.

49. **Ms. Alvarado** (Honduras), summarizing the lessons learned from the constructive dialogue with the Committee, said it was clear that Honduras needed to raise awareness among the population as a whole, to ensure accessibility in all spheres of life and to better coordinate government efforts if it was to achieve the full inclusion of persons with disabilities in society. The Government was committed to the 2030 Agenda for Sustainable Development, in particular Goal 11 on sustainable cities and communities, and understood the key role civil society could play in making that goal a reality. Notwithstanding the shortcomings of current efforts to realize the rights of persons with disabilities, the President had made the fulfilment of State obligations in that regard one of the top priorities of his administration.

The meeting rose at 1.05 p.m.